

## Choosing an Assisted Living Facility

### Practice Areas

- Elder Law

Assisted living facilities (ALFs) are semi-independent living facilities for the elderly which provide assistance with activities of daily living (ADLs), such as dressing, bathing, grooming, if and when needed. The amount of assistance varies among facilities. There are an estimated 20,000 - 30,000 ALFs in the U.S. and many in the New Orleans metropolitan area. The average annual fee for ALFs is in excess of \$25,000. Generally, ALFs charge a basic monthly rental (service) fee with "add-on" fees for specific assistive services.

ALFs are very appealing to the elderly since they may provide security, congregate meals (if desired), planned activities and opportunities for solicitation and interaction with others, and a much less infirmed population than a nursing home. A major drawback to many ALFs is the lack of skilled care, which means the resident will suffer another dislocation to a nursing home if the ALF is unable to provide for increasing health needs.

ALFs are being aggressively marketed with promises of beautiful, luxurious settings, caring staffs, meeting all of the resident's needs, security, safety, etc. The difference between the "marketing" and the resident or service contract you sign with the ALF can be dramatic. A contract is a legally binding document setting forth rights and obligations of both the resident and the ALF. Contracts can vary from one to forty pages. Brevity isn't always best, particularly if important issues are not addressed.

The following are some of the many issues which should be considered:

Does the ALF meet your needs now and in the future?

Is the ALF financially sound?

Are all levels of care provided? Is the ALF licensed for all the levels of care provided? What are the limitations on the level of care the ALF can provide?

What do you get for your money?

Types of Services (Supportive, Social, Recreational)

Does the ALF provide special diets, laundry, home meal delivery, guest meals, housekeeping, transportation, emergency call?

Does the facility have the right to curtail promised services? Some contracts promise the service "if practical."

Who is ultimately responsible for providing and coordinating the services (for example, if the home health aide doesn't show up)?

Are there nursing services on the site?

If there is promised assistance with medication, is it clear what can be provided and by whom under the contract and state law?

What are the fee arrangements?

Is a security deposit required?

Is any part of an up-front fee refundable?

When and how much can fees be raised?

What happens if you can't pay the higher fee?

Do the fees change as the levels of care change?

Do fees change if your marital status changes?

## Other Quality of Life Questions

How much say do you have in where you live, especially if the provider feels you should be moved to increased levels of care? Any appeal rights?

Can you be evicted and, if so, on what grounds (for example, "any reason deemed sufficient by management")? Any appeal rights?

What are your rights to terminate the contract?

Does the ALF perform any pre- or post-admissions assessments and, if so, what is the scope?

Can you choose your own doctor or is the ALF associated with a managed care group?

Can you change or redecorate units?

Can you have pets and, if so, are there limitations?

Can you have guests and, if so, are there any limitations on duration of the stay?

If your marital status changes, can you voluntarily move to a smaller unit or be forced to move to a smaller unit?

Does the ALF allow wheelchairs? Oxygen?

Are hospice services allowed?

ALFs are a viable alternative to nursing homes for those who do not require skilled care and can live independently or semi-independently. Many elderly become recluses and prisoners in their own homes with burglar bars on windows and doors. Their only socialization may be a sitter for a few hours per day and sporadic visits from family. The ALF offers the opportunity for socialization as well as organized and stimulating educational, cultural and recreational activities in a secure, caring setting. However, the resident's rights can vary from facility to facility. That is why the contract you sign is so very important and should be reviewed and discussed with your attorney before you sign.

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