

## Summary of Community Policy Changes

### **Dining and Events Policy:**

- This policy is not new. We implemented it at all LCS Communities in 2016 as part of a settlement with the DOJ following a Fair Housing issue at a community in Illinois.
- We've been told by the DOJ that it's necessary for compliance with Fair Housing rules.
- The only change to the policy is that "Level of Care Committee" was changed to "Collaborative Care Committee".
- The policy outlines rules and procedures in resident dining rooms, recognizing that some areas are licensed/staffed for higher levels of care and some are not
  - Participation by healthcare residents in an IL dining room is assessed on an individualized basis, using the reasonable accommodation process via the collaborative care committee.
  - Healthcare residents must notify IL dining rooms in advance if they intend to eat in IL.
  - Community cannot prevent an aide from accompanying healthcare resident in IL dining room (this was a cause of the DOJ consent order mentioned above)
  - Resident wishing to transfer from wheelchair/cart to a dining chair with assistance should provide written statement from physician authorizing an assisted transfer. If resident does not provide statement, he/she needs to sign the Informed Choice Agreement (Exhibit A).
  - Healthcare resident wishing to eat in IL must execute Exhibit B and Exhibit C.
  - Prohibited conditions preventing IL dining room or events access: contagious infection, communicable disease, or infected open wound.
  - Direct admit only can use IL dining room only if they have a contract with community that specifically says they can. Unless they are a guest of a resident.

### **Reasonable Accommodations Policy**

- Same as above, this policy was mandated by DOJ Consent Order. The only change we made in this version was the change to "Collaborative Care Committee."
- Policy lays out process for reasonable accommodation requests.

### **Offsite Activities Policy**

- A newer policy made to ensure residents have access to offsite activities.
- Straight forward policy with basic rules for participation.

### **Financial Assistance Policy**

- Policy that lays out consistent guidelines for when the community will be able to offer financial assistance.

- Highly recommended, in part because the Residency Agreement says that the community has a policy and will offer assistance.
- Policy lays out need for resident to provide notification and submit an application.
- Executive Director will examine the application and present a report to the Board, who is the ultimate decision maker.
- Resident accepting financial assistance may be required to transfer to a less expensive residence.
- Policy includes financial guidelines. Maximum allowable assets are 35k for a single resident and 75k for joint residents. Monthly income cap is defined in the policy.

### **Sex Offender Policy – *Not currently standard practice at WhiteStone***

- This is the policy that we have received the most hesitation from communities, but we feel that implementing it is the option that minimizes risk for the Community.
- Our policy is that we will check sex offender registry for prospective residents during the application process and will not offer residency to anyone who is on the list, without exception.
- There is a lot of grey areas with sex offenders in terms of the degree and recency of the act. However, we don't feel it's fair to expect an Executive Director to make these judgment calls and that is one reason for the no-exceptions policy. Further, online websites exist that notify the public if a registered sex offender lives in the area, and we do not want community addresses showing up on those websites.
- We are not going to search existing residents to see if they are on the list. But we will discharge a resident if it is subsequently discovered.
- A couple things here to consider:
  - These sex offender registries did not come around until the mid to late 1990s. So, if any of our residents are on that list now, it is from an act that occurred well into adulthood. It is not from an act that occurred while they were a teenager.
  - It may be possible in some places for a person to be put on a registry for something minor such as urinating in public, but it is our belief that these types of occurrences are exceptionally rare. Most people on these registries are on there because of something that was more nefarious than that.
  - We think it is unlikely that the community will have a current resident who is on the registry. We have had this policy in place for a while now at several communities and this has not been the case. If you would like to check without having to enter all current resident names into the registries, you can use any of the online websites that tell you if any registered offenders are living in your area.
  - There have been huge settlements levied against retirement communities who let an offender in and something subsequently happened. We feel the risk with this outweighs the risk associated with potentially needing to discharge a current resident. We should be checking these registries to protect the community, and we could be legally responsible if we don't.