



To: All OALA Members

Important Notice Regarding Resident Agreements Purchased and Received Prior to January 2018.

It has come to our attention that ODH in certain instances has taken issue with some provisions contained in older versions of the OALA Resident Agreement. Namely, ODH surveyors at times have viewed the Limitations of Liability section of the agreement to be an impermissible restriction on resident rights. While there are certainly arguments that ODH is incorrect in its interpretation, since those provisions are not required by law and are not integral to the agreement, they have been removed from the more recent versions of the OALA Resident Agreement.

This raises a broader issue of which members need to be aware. OALA provides the sample resident agreement in conjunction with Rolf Goffman Martin Lang LLP, and updates it at infrequent intervals. It is meant to be a starting point for the development of a facility's own residency agreement. And, like all operational documents should be scheduled for periodic review in order to try to maintain compliance with not only laws, but departmental interpretations as well.

To assist members, we have recently completed a new version of the residency agreement that takes into consideration recent changes in the law and known enforcement activity. It was thoroughly reviewed and updated prior to the start of 2018 and includes at no additional charge an AL Waiver addendum.

For those who are interested, the agreement may be purchased through the OALA website: <http://ohioassistedliving.org/resource-center/>

If you have any questions, please call the Association office: 614.481.1950