ENHANCED ASSISTED LIVING RESIDENCE

ADDENDUM TO

RESIDENCY AGREEMENT

This is an addendum to a Residency Agreement made between BV LAKE TAPPAN OPERATOR, LLC ("Operator"), _____, (the "Resident" or "You"), _____ (the "Resident's Representative"), and _____ (the "Resident's Legal Representative"). Such Residency Agreement is dated _____.

This Addendum adds new sections and amends, if any, only the sections specified in this addendum. All other provisions of the Residency Agreement shall remain in effect, unless otherwise amended in accordance with this Agreement. This Addendum must be attached to the Residency Agreement between the parties.

I. Enhanced Assisted Living Certificates

Operator is currently certified by the New York State Department of Health to provide Enhanced Assisted Living at Brightview Lake Tappan located at 31 Hunt Road, Orangetown, NY 10962.

II. Physician Report

You have submitted to Operator a written report from Your physician, which report states that:

a. Your physician has physically examined You within the last month prior to Your admission to this Enhanced Assisted Living Residence; and

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b. You are not in need of 24-hour skilled nursing care or medical care which would require placement in a hospital or nursing home.

III. Request for and Acceptance of Admission

You have requested to become a Resident at this Enhanced Assisted Living Residence (the "Residence") and Operator has accepted Your request.

IV. Specialized Programs, Staff Qualifications and Environmental Modifications

Attached as EALR #1 and made a part of this Agreement is a written description of:

- Services to be provided in the Enhanced Assisted Living Residence;
- Staffing levels;
- Staff education and training work experience, and any professional affiliations or special characteristics relevant to serving persons in the Enhanced Assisted Living Residence; and
- Any environmental modifications that have been made to protect the health, safety and welfare of persons in the Residence.

V. Aging in Place

Operator has notified You that, while Operator will make reasonable efforts to facilitate Your ability to age in place according to Your Individualized Service Plan, there may be a point reached where Your needs cannot be safely or appropriately met at the Residence: If this occurs, Operator will communicate with You regarding the need to relocate to a more appropriate setting, in accordance with law.

VI. If 24 Skilled Nursing or Medical Care is Needed

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If You reach the point where You are in need of 24 hour skilled nursing care or medical care that is required to be provided by a hospital, nursing home or a facility licensed under the Mental Hygiene Law, Operator will initiate proceedings for the termination of this Agreement and to discharge You from residency, UNLESS each of the following conditions are met:

a. You hire appropriate nursing, medical or hospice staff to care for Your increased needs; AND

b. your physician and a home care services agency both determine and document that with the provision of such additional nursing, medical or hospice care, You can be safely cared for in the Residence, and would not require placement in a hospital, nursing home or other facility licensed under Public Health Law Article 28 or Mental Hygiene Law Articles 19, 31 or 32; AND

c. Operator agrees to retain You as Resident and to coordinate the care provided by Operator and the additional nursing, medical or hospice staff; AND

d. You are otherwise eligible to reside at the Residence.

VII. Addendum Agreement Authorization

We, the undersigned, have read this Addendum Agreement, have received a duplicate copy thereof, and agree to abide by the terms and conditions therein.

Dated: _____ _____
(Signature of Resident)

Dated: _____ _____
(Signature of Resident's Representative)

Dated: _____ _____
(Signature of Resident's Legal Representative)

Dated: _____ _____
(Signature of Operator or Operator's Representative)

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Services:

The following services will be provided in Brightview Lake Tappan's Enhanced Assisted Living Residence:

- Colostomy emptying;
- Non-sterile dressing changes;
- Indwelling Catheter Care;
- Ophthalmic medication administration;
- Blood glucose monitoring;
- Injections.

Admission/Retention:

1. The Community will admit from its ALR into its EALR residents who:
    a. Residents who are chronically chair fast and unable to transfer, or chronically require the physical assistance of another person to transfer;
    b. Residents who chronically require the physical assistance or another person in order to walk;
    c. Residents who chronically require the physical assistance or another person to climb or descent stairs;
    d. Residents who are dependent on medical equipment and require more than intermittent or occasional assistance from medical personnel;
    e. Residents who have chronic unmanaged urinary and/or bowel incontinence;
    f. Residents who have skilled nursing needs that can be safely met in the Community. Examples of skilled nursing needs that cannot be met at the Community, and will require that the resident be discharged to a higher level of care are:
        - Chronically chair fast and unable to transfer or chronically require the physical assistance of another person to transfer;
        - Chronically require the physical assistance of another person in order to walk;
        - Chronically require the assistance of another person to climb/descend stairs;
        - Are dependent on medical equipment and require more than intermittent or occasional assistance from medical personnel;
        - Have chronic unmanaged urinary or bowel incontinence, or
        - Require 24-hour skilled nursing.

2. Residents that require 24-hour skilled nursing care will not be admitted to or retained in the EALR unless each of the following conditions are met:

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2. Residents that require 24-hour skilled nursing care will not be admitted to or retained in the EALR unless each of the following conditions are met:
   a. The resident hires appropriate nursing, medical, hospice or ancillary staff to care for their increased needs;
   b. Both the resident's physician and home care agency determine and document that, with the provision of such additional nursing, medical or hospice care, the resident can be safely care for in the Community, and would not require placement in a hospital or nursing home;
   c. The Community agrees to retain the resident and to coordinate the care provided by the Community and the additional nursing, medical or hospice staff, and
   d. The resident is otherwise eligible to reside at the Community.

3. Prior to admission to the ALR, the resident must:
   a. Submit to the required pre-admission evaluation utilizing the Personal Data and Resident Evaluation Form (Department Form 4397) (conducted by the Health Services Director) within 30 days prior to admission and supply all necessary information for the Community to determine if the individual is appropriate for admission to the Community, and at what level.
   b. Provide the Community with a Medical Evaluation (Department Form 3122). The medication evaluation must have been completed within 30 days prior to the date of admission and whenever a change in condition warrants, but no less than once every 12 months. The evaluation must include a statement as to whether the resident is medically and mentally suited for care in the EALR, where applicable, and must be signed by the physician. The evaluation will include:
      i. The date of examination, significant medical history and current conditions, known allergies, prescribed medication regimen, including the information on the resident's ability to self-administer medications, recommendations for diet, exercise, recreation, frequency of medical examinations, cognitive and mental health status, and assistance needed with activities of daily living.
      ii. A statement that the resident is or is not medically suited for can in the Assisted Living Residence, Enhanced Assisted Living Residence or Special Needs Assisted Living Residence.

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iii. A statement that the resident is or is not mentally suited for care in the Enhanced Assisted Living Residence.
iv. A statement that the resident is or is not in need of long term medical or nursing care supervision, which would require placement in a hospital or nursing home.
v. A statement that the resident is or is not in need of twenty-four hour skilled nursing care.

c. A written Individualized Service Plan will be developed for each Resident by the Health Services Director and Wellspring Village Director/Assisted Living Manager, along with the resident, resident's representative/legal guardian. The initial Individualized Service Plan will be developed in conjunction with the resident's physician and such consultation will be documented on the ISP. The ISP will be developed within 30 days of admission and will include the services to be provided and by whom. The ISP will be reviewed and revised every six months and whenever ordered by the resident's physician or upon significant change to the resident.
d. Executes a Department approved Residency Agreement and acknowledge receipt of the Disclosure Statement, NYS DOH Consumer Information Guide and all exhibits.

4. In addition to #2 above prior to admission to the EALR, the following requirements must be met:
   a. an interview with the resident, resident's representative/legal guardian, enriched housing program coordinator will take place to:
      i. Include an explanation of the conditions of residency including, but not limited to, the Residency Agreement, resident rights and responsibilities, and the enriched housing program rules and regulations.
      ii. Ascertain that the enriched housing program can:
         1. Meet the physical needs and personal care needs of the resident, including dietary needs occasioned by cultural or religious practice or preference or medical prescription.
         2. Meet the psycho-social needs of the resident.
         3. The interview must be summarized in writing, including the date of the interview and identification of those present.
   b. A mental health evaluation if a proposed Resident has a known history of chronic mental disability, or the medical evaluation or resident interview suggests the existence of such a disability. The evaluation must be a written and signed

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report form a psychiatrist, physician, registered nurse, certified psychologist or certified social worker who has experience in the assessment and treatment of mental illness, which includes:

i. A significant mental health history and current conditions;
ii. A statement that the resident is mentally suited for care in the enriched housing program;
iii. A statement that the resident does not need placement in a hospital or residential treatment facility;
iv. A dated statement indicating that the person signing the report has conducted a face-to-face examination of the resident dated within 30 days prior to admission.
v. A completed and approved functional assessment that includes:
    1. Personal activities of daily living;
    2. Instrumental activities of daily living;
    3. Sensory impairments;
    4. Behavioral characteristics
    5. Daily habits.

5. Prior to move-in to EALR, the resident/responsible party/legal guardian will receive copies of:
    a. The Residency Agreement
    b. Copy of Resident Rights
    c. Program rules relating to resident activities, office and visiting hours and other pertinent information concerning the operation of the program;
    d. Long-Term Ombudsman Program fact sheet
    e. Listing of legal services or advocacy agencies that are available
    f. Upon request the resident/responsible party/legal guardian will have the opportunity to review the most recent inspection report issued by the department.
        i. If the resident is sight-impaired, hearing-impaired or otherwise unable to comprehend English or printed matter, Brightview will arrange for the transmission of these documents in a manner that is comprehensible to the resident.

Staffing:

Staffing levels will be maintained according to all applicable laws and regulations. Nurses will be scheduled to be on site for as often as is necessary

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to meet the needs of the EALR residents. Pursuant to the acuity of the residents, there will be 1 RN and a minimum of 2 Resident Aides on site from 7 am to 3 pm; 1 Licensed Nurse and a minimum of 2 Resident Aides on site from 3pm to 11pm; and a minimum of 2 Resident Aides from 11pm to 7am. There is a comprehensive activities program with an activities staff that plans and conducts meaningful programs aimed at keeping all residents active in the Residence.

Staff Education and Training:

Each one of the Residence's personal care aides, home health aides and nurses receive comprehensive training on effectively and respectfully meeting the needs of persons retained in the Enhanced Assisted Living Residence. The training includes methods on assisting with mobility impairments, and, for our licensed staff, delivering the available nursing services, which are listed above.

Environmental Modifications:

Enhanced Assisted Living Residents will reside throughout the Residence. The Residence is equipped with a sprinkler system throughout, emergency call bells in resident rooms and bathrooms, smoke corridors, and supervised smoke detection systems for resident safety.

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