

HOUSE No. 3544

The Commonwealth of Massachusetts

PRESENTED BY:

Joyce A. Spiliotis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act An Act relative to continuing care retirement communities.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------|-------------------|------------------|
| <i>Joyce A. Spiliotis</i> | <i>12th Essex</i> | <i>1/21/2011</i> |

HOUSE No. 3544

By Ms. Spiliotis of Peabody, a petition (accompanied by bill, House, No. 3544) of Joyce A. Spiliotis for legislation to authorize the establishment of residents associations within continuing care retirement communities. Housing.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act An Act relative to continuing care retirement communities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (a) of section 76 of Chapter 93 of the General Laws, is hereby
2 amended by inserting after the seventh paragraph the following paragraph:-

3 “Residents association”, an organization formed by the residents of a facility to represent
4 their interests before providers, and to promote and provide for the general welfare of residents.

5 SECTION 2. Section 76 of Chapter 93 of the General Laws, as appearing in the 2008
6 Official Edition, is hereby amended by inserting after subsection (e) the following subsection:-

7 (f) To the maximum extent practicable, providers acknowledge that:

8 (1) The residents of each facility have a right to establish a residents association. A
9 residents association may enjoy the same opportunities to assemble afforded to other
10 organizations by the facility. Residents have a right to elect the officers of the residents
11 association.

(2) Residents have a right to receive, upon request, a current copy of the facility's disclosure statement as described in subsection (b). Providers may, upon request, make a reasonable effort to explain the terms and information contained within the disclosure document. Nothing in this paragraph shall be construed to modify the contractual rights of residents or providers. Providers may make reasonable provisions for the form and manner in which such requests may be submitted. [Note: section 93(b)(6) provides for disclosure of a balance sheet and statements of income, which may or may not contain all of the information described in MLCRA's proposal.]

(3) To the maximum extent practicable, providers may offer a reasonable explanation of any adjustments in monthly fees and other major fees paid by residents.

(4) To the maximum extent practicable, providers may inform residents of matters that may affect the health and welfare of residents and affecting the future of the facility, including but not limited to the facility's size and ownership and provider's financial health. The process for assuring such communications may include residents' representation on provider's managing body, but need not depend solely on board representation.

(5) Residents have a right to submit comments to provider on matters that may affect the health and welfare of residents and affecting the future of the facility, including but not limited to the facility's size and ownership and provider's financial health. Providers may make reasonable provisions for the form and manner in which such comments may be submitted. To the maximum extent feasible, providers are encouraged to seek comment from residents when designing or adopting policies that affect the future of the facility.

(6) Residents have a right to receive, upon request, information regarding any major construction, modification, expansion or renovation of the facility, including information on cost estimates, funding, financing, projected income, schedule and impacts on the existing facility. Providers may make reasonable provisions for the form and manner in which such requests may be submitted.

(7) To the maximum extent practicable, providers may make use of applicable standards and practices to maintain and project each facility's operational and financial viability. Residents have a right to receive, upon request, information regarding such standards and practices used by provider. Providers may make reasonable provisions for the form and manner in which such requests may be submitted.

(8) Residents have a right to receive, upon request, information regarding the purpose and intended funding of all financial reserves kept by the provider. Providers may make reasonable provisions for the form and manner in which such requests may be submitted.