HOUSE DOCKET, NO. 3477 FILED ON: 2/18/2011

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:
Joyce A. Spiliotis	*12th Essex*

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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:

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

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

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

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

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

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

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

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

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

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

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

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