

SENATE No. 401

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 resolve:

Resolve relative to a community care retirement communities special commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/2/2023</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>1/17/2024</i>

SENATE No. 401

By Mr. Rush, a petition (accompanied by resolve, Senate, No. 401) of Michael F. Rush and Paul
McMurtry that provisions be made for an investigation and study by a special commission
relative to the regulation of continuing care retirement communities. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 428 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

Resolve relative to a community care retirement communities special commission.

1 **Resolved**, there shall be a special commission to study the regulation of continuing care
2 retirement communities (CCRCs) to protect the consumer and financial rights of residents.

3 The commission shall consist of: 1 person to be appointed by the president of the senate,
4 who shall serve as co-chair; 1 person to be appointed by the speaker of the house of
5 representatives, who shall serve as co-chair; 1 person to be appointed by the minority leader of
6 the senate; 1 person to be appointed by the minority leader of the house of representatives; the
7 attorney general or a designee; the secretary of elder affairs or a designee; and 10 persons to be
8 appointed by the governor, 1 of whom shall be a certified public accountant or an actuary, 1 of
9 whom shall be nominated by the National Academy of Elder Law Attorneys, Massachusetts
10 Chapter, 1 of whom shall be nominated by Leading Age Massachusetts, 1 of whom shall be
11 nominated by Massachusetts Assisted Living Association, 1 of whom shall be nominated by

12 AARP Massachusetts, 1 of whom shall be nominated by the Alzheimer’s Association, 1 of
13 whom shall be nominated by Massachusetts Advocates for Nursing Home Reform; 1 of whom
14 shall be nominated by the Massachusetts Life Care Residents’ Association, and 2 of whom shall
15 be residents of a CCRC.

16 The commission shall meet not fewer than 6 times and shall conduct at least 1 public
17 hearing.

18 The commission shall study: CCRC residence and care contracts and their impact on
19 consumers; financial viability of CCRC’s; the payment and return of CCRC entrance fees;
20 statutory and regulatory oversight of CCRC’s including any activities by state agencies to
21 enforce legal and regulatory requirements; marketing information communicated to potential
22 residents and families about CCRCs; and regulatory procedures for the closure or change of
23 ownership of a CCRC. The goal of the commission is to make recommendations for changes in
24 laws or regulations, or the enforcement thereof, to assist potential residents in evaluating the
25 appropriateness and financial viability of a CCRC, to protect the consumer rights of CCRC
26 residents, and to assure the appropriate care is provided to CCRC residents.

27 The commission shall submit a report with recommendations, including drafts of
28 legislation or regulations necessary to carry out those recommendations, to the clerks of the
29 house of representatives and the senate, the joint committee on elder affairs and the house and
30 senate committees on ways and means not later than one year following the effective date of this
31 act.