

HOUSE No. 03544

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 passage of the accompanying bill:

An Act relative to continuing care retirement communities.

PETITION OF:

NAME:

Joyce A. Spiliotis

DISTRICT/ADDRESS:

12th Essex

HOUSE No. 03544

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

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 their
4 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 Official
6 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 residents
9 association may enjoy the same opportunities to assemble afforded to other organizations by the
10 facility. Residents have a right to elect the officers of the residents association.

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

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

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

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

31 (6) Residents have a right to receive, upon request, information regarding any major
32 construction, modification, expansion or renovation of the facility, including information on cost

33 estimates, funding, financing, projected income, schedule and impacts on the existing facility.

34 Providers may make reasonable provisions for the form and manner in which such requests may
35 be submitted.

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

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