

SENATE No. 02139

[Senate, February 16, 2012 – New draft of Senate, No. 274 reported from the committee on Elder Affairs.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to residents of 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 hearby amended by inserting after subsection (e) the following subsection:-

7 (f) Providers acknowledge that:

8 (1) The residents of each community shall have the right to establish a residents
9 association. Residents have the right to elect the officers of the residents association.

10 (2) Residents have the right to receive, upon request, a current copy of the
11 facility's disclosure statement as described in subsection (b). Providers shall, upon request,
12 make a reasonable effort to explain the terms and information contained within the disclosure
13 document. Nothing in this paragraph shall be construed to modify the contractual rights of
14 residents or providers. Providers may make reasonable provisions for the form and manner in
15 which such requests may be submitted.

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

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

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

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

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

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