

1 SENATE BILL 335

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Stuart Ingle

5
6
7
8
9
10 AN ACT

11 RELATING TO HEALTH CARE; REQUIRING CONTRACTS FOR ASSISTED
12 LIVING FACILITIES TO CONTAIN A REFUND POLICY UPON TERMINATION
13 OF A CONTRACT DUE TO THE DEATH OF THE RESIDENT; PROVIDING FOR
14 STORAGE OF A RESIDENT'S BELONGINGS; DECLARING AN EMERGENCY.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new section of the Public Health Act is
18 enacted to read:

19 "[NEW MATERIAL] ASSISTED LIVING FACILITIES CONTRACTS--
20 LIMIT ON CHARGES AFTER RESIDENT DEATH.--

21 A. The contract for each resident of an assisted
22 living facility shall include a refund policy to be implemented
23 at the time of a resident's death. The refund policy shall
24 provide that the resident's estate or responsible party is
25 entitled to a prorated refund based on the calculated daily

.192012.1

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 rate for any unused portion of payment beyond the termination
2 date after all charges have been paid to the licensee. For the
3 purpose of this section, the termination date shall be the date
4 the unit is vacated by the resident due to the resident's death
5 and cleared of all personal belongings.

6 B. If a resident's belongings are not removed
7 within one week of the resident's death and the amount of
8 belongings does not preclude renting the unit, the facility may
9 clear the unit and charge the resident's estate for moving and
10 storing the items at a rate equal to the actual cost to the
11 facility, not to exceed ten percent of the regular rate for the
12 unit; provided that the responsible party for the resident is
13 given notice at least one week before the resident's belongings
14 are removed. If the resident's belongings are not claimed
15 within forty-five days after notification, the facility may
16 dispose of them.

17 C. For the purposes of this section, "assisted
18 living facility" means a facility required to be licensed as an
19 assisted living facility for adults by the department of
20 health."

21 SECTION 2. EMERGENCY.--It is necessary for the public
22 peace, health and safety that this act take effect immediately.