

CONTINUOUS CARE FACILITIES AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Earl D. Tanner

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for a study of regulation of continuous care facilities.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires a study.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a repeal date.

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

Be it enacted by the Legislature of the state of Utah:

Section 1. **Study of the regulation of continuous care industry.**

(1) As used in this section:

(a) "Continuous care" means the furnishing to an individual, other than an individual related by blood, marriage, or adoption to the person furnishing the care, of lodging together with nursing services, medical services, or other related services pursuant to a contract requiring an entrance fee.



28 (b) (i) "Entrance fee" means an initial or deferred transfer to a provider of a sum of
29 money or property made or promised to be made as full or partial consideration for acceptance
30 of a specified individual as a resident in a facility.

31 (ii) "Entrance fee" does not include an amount less than the sum of the regular period
32 charges for six months of residency in a facility.

33 (c) "Facility" means a place in which a person provides continuous care to an
34 individual.

35 (d) "Provider" means:

36 (i) the owner of a facility; or

37 (ii) the person who enters into a continuous care contract with a resident or potential
38 resident.

39 (e) "Resident" means an individual entitled to receive continuous care in a facility
40 pursuant to a continuous care contract.

41 (2) The Department of Financial Institutions shall lead a study, with participation from
42 the following agencies, of how to regulate the continuous care industry:

43 (a) the Insurance Department;

44 (b) the Department of Health;

45 (c) the Division of Real Estate; and

46 (d) the Division of Securities.

47 (3) The study shall include:

48 (a) recommendations concerning the framework for regulating facilities or providers;

49 (b) an examination of business models employed by providers;

50 (c) consideration of alternative ways in which the obligations of providers to the
51 residents may be secured;

52 (d) suggested subjects of regulation; and

53 (e) an estimation of the likely impact of facilities on the availability of Medicaid beds
54 in nursing homes.

55 (4) The Department of Financial Institutions shall report to the Business and Labor
56 Interim Committee by no later than October 1, 2015.

57 Section 2. **Repeal date.**

58 This bill is repealed on December 31, 2015.

Legislative Review Note

as of 2-27-15 11:56 AM

Office of Legislative Research and General Counsel