

Effective 5/10/2016

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31A-44-102 Definitions.

As used in this chapter:

- (1) "Continuing care" means the furnishing to an individual, other than by an individual related to the individual by blood, marriage, or adoption, of lodging together with nursing services, medical services, or other related services pursuant to a contract requiring an entrance fee.
- (2) "Continuing care contract" means a contract under which a provider provides continuing care to a resident.
- (3)
 - (a) "Entrance fee" means an initial or deferred transfer to a provider of a sum of money or property made or promised to be made as full or partial consideration for acceptance of a specified individual as a resident in a facility.
 - (b) "Entrance fee" includes a monthly fee, assessed at a rate that is greater than the value of the provider's monthly services, that a resident agrees to pay in exchange for acceptance into a facility or a promise of future monthly fees assessed at a rate that is less than the value of the services rendered.
 - (c) "Entrance fee" does not include an amount less than the sum of the regular period charges for three months of residency in a facility.
 - (d) "Entrance fee" does not include a deposit of less than \$1,000 made under a reservation agreement.
- (4) "Facility" means a place in which a person provides continuing care.
- (5) "Living unit" means a room, apartment, cottage, or other area within a facility set aside for the exclusive use or control of one or more identified individuals.
- (6) "Provider" means:
 - (a) the owner of a facility;
 - (b) a person, other than a resident, that claims a possessory interest in a facility; or
 - (c) a person who enters into a continuing care contract with a resident or potential resident.
- (7) "Provider disclosure statement" means, for a given provider, the disclosure statement described in Section 31A-44-301.
- (8) "Reservation agreement" means an agreement that requires the payment of a deposit to reserve a living unit for a prospective resident.
- (9) "Resident" means an individual entitled to receive continuing care in a facility pursuant to a continuing care contract.