

Tiara Auxier proposes the following substitute bill:

**Senior Care Facility Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tiara Auxier**

Senate Sponsor: Todd Weiler

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**LONG TITLE**

**General Description:**

This bill addresses the closure, qualifying sale, change of use, or acquisition sale of an assisted living facility.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires an assisted living facility to meet certain requirements if the assisted living facility intends to close, complete a qualifying sale, or undertake a change of use;
- provides that an assisted living facility may not accept new residents if the facility intends to close, complete a qualifying sale, or undertake a change of use;
- prescribes requirements for an assisted living facility that intends to complete an acquisition sale;
- allows a county attorney or the attorney general to seek the appointment of a receiver if an assisted living facility does not comply with certain requirements; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26B-2-237**, as last amended by Laws of Utah 2023, Chapter 268 and renumbered and amended by Laws of Utah 2023, Chapter 305 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 305

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

30 Section 1. Section **26B-2-237** is amended to read:

31 **26B-2-237 . Transfer or discharge from an assisted living facility -- Sale of an**  
32 **assisted living facility -- Appointment of receiver.**

33 (1) As used in this section:

34 (a) "Acquisition sale" means the sale of an assisted living facility:

35 (i) that is not expected to cause the transfer or discharge of a resident within 60 days  
36 after the date of the sale; and

37 (ii) where the buyer intends to continue operating the facility as an assisted living  
38 facility.

39 (b) "Change of use" means that the owner of an assisted living facility intends to change  
40 the use of the assisted living facility in a way that will require or result in the transfer  
41 or discharge of a resident.

42 (c) "Division" means the Division of Licensing and Background Checks.

43 (d) "Ombudsman" means the same as that term is defined in Section 26B-2-301.

44 (e) "Qualifying sale" means the sale of an assisted living facility:

45 (i) that is expected to cause the transfer or discharge of a resident within 60 days after  
46 the date of the sale; or

47 (ii) where the buyer intends to change the use of all or some of the facility to  
48 something other than an assisted living facility.

49 [(b)] (f) "Resident" means an individual who receives health care from an assisted living  
50 facility.

51 [(e)] (g) "Responsible person" means an individual who:

52 (i) is designated in writing by a resident to receive communication on behalf of the  
53 resident; or

54 (ii) is legally authorized to make health care decisions on behalf of the resident.

55 (h) "Transition plan" means a plan for the closure, qualifying sale, or change of use of an  
56 assisted living facility that:

57 (i) describes the facility's resident population and the population's needs;

58 (ii) identifies available relocation options and resources, including a list of facilities  
59 within a 60-mile radius that may meet a resident's needs;

60 (iii) describes how the facility will accomplish the safe, orderly, and appropriate  
61 transfer or discharge of residents;

62 (iv) specifically addresses how the facility will address the transfer or discharge of

63 each resident who may be difficult to relocate due to specialized care needs;  
 64 (v) identifies steps needed to share information and coordinate with managed care  
 65 organizations;  
 66 (vi) includes timetables for all steps in the closure or sale process;  
 67 (vii) describes how the facility will maintain compliance with all applicable laws and  
 68 regulations until the date of closure or sale; and  
 69 (viii) complies with any additional requirements that the department may impose by  
 70 rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
 71 Rulemaking Act.

- 72 (2) A facility is subject to the requirements in Subsection (3) if the transfer or discharge:
- 73 (a) is initiated by the facility for any reason;
  - 74 (b) is objected to by the resident or the resident's responsible person;
  - 75 (c) was not initiated by a verbal or written request from the resident; or
  - 76 (d) is inconsistent with the resident's preferences and stated goals for care.
- 77 (3) Before a transfer or discharge described in Subsection (2) occurs, the assisted living  
 78 facility from which the resident is transferred or discharged shall:
- 79 (a) notify the resident and the resident's responsible person, if any, in writing and in a  
 80 language and a manner that is most likely to be understood by the resident and the  
 81 resident's responsible person, of:
    - 82 (i) the reasons for the transfer or discharge;
    - 83 (ii) the effective date of the transfer or discharge;
    - 84 (iii) the location to which the resident will be transferred or discharged, if known; and
    - 85 (iv) the name, address, email, and telephone number of the ombudsman;
  - 86 (b) send a copy, in English, of the notice described in Subsection (3)(a) to the  
 87 ombudsman on the same day on which the assisted living facility delivers the notice  
 88 described in Subsection (3)(a) to the resident and the resident's responsible person;
  - 89 (c) provide the notice described in Subsection (3)(a) at least 30 days before the day on  
 90 which the resident is transferred or discharged, unless:
    - 91 (i) notice for a shorter period of time is necessary to protect:
      - 92 (A) the safety of individuals in the assisted living facility from endangerment due  
 93 to the medical or behavioral status of the resident; or
      - 94 (B) the health of individuals in the assisted living facility from endangerment due  
 95 to the resident's continued residency;
    - 96 (ii) an immediate transfer or discharge is required by the resident's urgent medical

97 needs; or

98 (iii) the resident has not resided in the assisted living facility for at least 30 days;

99 (d) update the transfer or discharge notice as soon as practicable before the transfer or  
100 discharge if information in the notice changes before the transfer or discharge;

101 (e) orally explain to the resident:

102 (i) the services available through the ombudsman; and

103 (ii) the contact information for the ombudsman; and

104 (f) provide and document the provision of preparation and orientation for the resident, in  
105 a language and manner the resident is most likely to understand, to ensure a safe and  
106 orderly transfer or discharge from the assisted living facility.

107 (4)(a) In the event of an assisted living facility closure, qualifying sale, or change of use,  
108 in addition to the requirements in Subsection (3):

109 (i) at least 120 days prior to the intended date of closure, qualifying sale, or change of  
110 use, the assisted living facility shall submit a proposed transition plan to the  
111 division for approval; and

112 (ii) at least  $\hat{H}$  → [60] 45 ←  $\hat{H}$  days before the day on which the  
112a assisted living facility intends to  
113 close, complete a qualifying sale, or undertake a change of use, the assisted living  
114 facility shall provide written notification of the closure, qualifying sale, or change  
115 of use, including a copy of the approved transition plan, to the ombudsman, the  
116 division, each resident of the facility, and each resident's responsible person.

117 (b) An assisted living facility may not accept any new resident or application for  
118 residency on or after the date the assisted living facility first submits a proposed  
119 transition plan required by Subsection (4)(a)(i).

120 (c) An assisted living facility that provides a written notification required by Subsection  
121 (4)(a)(ii) shall:

122 (i) conduct meetings with residents and responsible persons to discuss the relocation  
123 process;

124 (ii) assist each resident with finding a new placement, taking into consideration the  
125 resident's needs, choices, and best interests;

126 (iii) invite assisted living facility operators from the surrounding area to visit and  
127 meet with residents of the assisted living facility that provided the notification  
128 under Subsection (4)(a)(ii);

129 (iv) as of the date that a resident transfers or is discharged, provide the resident with a

130 prorated refund of any funds the resident has prepaid to the facility, such as a  
131 reservation deposit, community fee, or rent; and  
132 (v) provide a resident's new facility or care entity with complete and accurate resident  
133 records, including contact information for the resident's family members and  
134 responsible person.

135 (d) An assisted living facility may not close or undertake a change of use until all  
136 affected residents have been relocated to an appropriate alternative setting.

137 (5) In the event of an acquisition sale:

138 (a) the assisted living facility shall notify each resident and each resident's responsible  
139 person, if any, of the acquisition sale at least 30 days before the day of the acquisition  
140 sale; and

141 (b) for residents of the assisted living facility at the time of the acquisition sale, the  
142 purchaser of the assisted living facility may not raise the rates charged to those  
143 residents until at least ~~60~~ 90 ~~60~~ days after the day of the  
143a acquisition sale.

144 (6)(a) A county attorney or the attorney general may bring a petition in a court with  
145 jurisdiction for the appointment of a receiver if an assisted living facility has not  
146 complied with the requirements of this section.

147 (b) A court shall issue an order to show cause why a receiver should not be appointed  
148 returnable within five days after the filing of the petition.

149 (c) If the court finds that the facts warrant the granting of the petition, the court shall  
150 appoint a receiver to take charge of the facility.

151 (d) The court may determine fair compensation for the receiver.

152 (e) A receiver appointed pursuant to this section has the powers and duties prescribed by  
153 the court.

154 **Section 5. Effective Date.**

155 This bill takes effect on May 7, 2025.