

HB0472 compared with HB0472S01

16 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

24 **AMENDS:**

25 **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
25 of Utah 2023, Chapter 305 , 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
25 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 assisted living**
facility -- Appointment of receiver.

31 (1) As used in this section:

32 (a) ~~{ "Division" }~~ **"Acquisition sale"** means the ~~{ Division of Licensing and Background Checks. }~~ **sale of**
an assisted living facility:

33 ~~{ (b) }~~

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

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

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

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

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

34 ~~{ (e) { "Qualifying sale" means the sale of an assisted living facility that is expected to cause the transfer~~
~~or discharge of a resident within 60 days after the date of the sale. }~~

36 ~~{ (b) } (d) }~~

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- 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 the date of the
sale; or
47 (ii) where the buyer intends to change the use of all or some of the facility to something other than an
assisted living facility.
- 49 ~~[(b)]~~ (f) "Resident" means an individual who receives health care from an assisted living facility.
38 ~~[(e)]~~ ~~{(e)}~~ (g) "Responsible person" means an individual who:
39 (i) is designated in writing by a resident to receive communication on behalf of the resident; or
41 (ii) is legally authorized to make health care decisions on behalf of the resident.
- 42 ~~{(f)}~~ (h) "Transition plan" means a plan for the closure ~~{or}~~ , qualifying sale , or change of use of an
assisted living facility that:
44 (i) describes the facility's resident population and the population's needs;
45 (ii) identifies available relocation options and resources, including a list of facilities within a 60-mile
radius that may meet a resident's needs;
47 (iii) describes how the facility will accomplish the safe, orderly, and appropriate transfer or discharge of
residents;
49 (iv) specifically addresses how the facility will address the transfer or discharge of each resident who
may be difficult to relocate due to specialized care needs;
51 (v) identifies steps needed to share information and coordinate with managed care organizations;
53 (vi) includes timetables for all steps in the closure or sale process;
54 (vii) describes how the facility will maintain compliance with all applicable laws and regulations until
the date of closure or sale; and
56 (viii) complies with any additional requirements that the department may impose by rule made in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 59 (2) A facility is subject to the requirements in Subsection (3) if the transfer or discharge:
60 (a) is initiated by the facility for any reason;
61 (b) is objected to by the resident or the resident's responsible person;
62 (c) was not initiated by a verbal or written request from the resident; or
63 (d) is inconsistent with the resident's preferences and stated goals for care.
- 64 (3) Before a transfer or discharge described in Subsection (2) occurs, the assisted living facility from
which the resident is transferred or discharged shall:

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- 66 (a) notify the resident and the resident's responsible person, if any, in writing and in a language and a
manner that is most likely to be understood by the resident and the resident's responsible person, of:
- 69 (i) the reasons for the transfer or discharge;
- 70 (ii) the effective date of the transfer or discharge;
- 71 (iii) the location to which the resident will be transferred or discharged, if known; and
- 72 (iv) the name, address, email, and telephone number of the ombudsman;
- 73 (b) send a copy, in English, of the notice described in Subsection (3)(a) to the ombudsman on the same
day on which the assisted living facility delivers the notice described in Subsection (3)(a) to the
resident and the resident's responsible person;
- 76 (c) provide the notice described in Subsection (3)(a) at least ~~{30{}}~~ 60 days before the day on which
the resident is transferred or discharged, unless:
- 78 (i) notice for a shorter period of time is necessary to protect:
- 79 (A) the safety of individuals in the assisted living facility from endangerment due to the medical or
behavioral status of the resident; or
- 81 (B) the health of individuals in the assisted living facility from endangerment due to the resident's
continued residency;
- 83 (ii) an immediate transfer or discharge is required by the resident's urgent medical needs; or
- 85 (iii) the resident has not resided in the assisted living facility for at least 30 days;
- 86 (d) update the transfer or discharge notice as soon as practicable before the transfer or discharge if
information in the notice changes before the transfer or discharge;
- 88 (e) orally explain to the resident:
- 89 (i) the services available through the ombudsman; and
- 90 (ii) the contact information for the ombudsman; and
- 91 (f) provide and document the provision of preparation and orientation for the resident, in a language and
manner the resident is most likely to understand, to ensure a safe and orderly transfer or discharge
from the assisted living facility.
- 94 (4)
- (a) In the event of an assisted living facility closure~~{-or-}~~, qualifying sale, or change of use, in addition
to the requirements in Subsection (3):

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- (i) at least 120 days prior to the intended date of closure ~~{or}~~, qualifying sale, or change of use, the assisted living facility shall submit a proposed transition plan to the division for approval; and
- 99 (ii) at least 60 days before the day on which the assisted living facility intends to close ~~{or}~~, complete a qualifying sale, or undertake a change of use, the assisted living facility shall provide written notification of the closure, ~~{or}~~ qualifying sale, or change of use, including a copy of the approved transition plan, to the ombudsman, the division, each resident of the facility, and each resident's responsible person.
- 104 (b) An assisted living facility may not accept any new resident or application for residency on or after the date the assisted living facility first ~~{provides}~~ submits a ~~{written notification}~~ proposed transition plan required by Subsection ~~{(4)(a)(ii)}~~ (4)(a)(i).
- 107 (c) An assisted living facility that provides a written notification required by Subsection (4)(a)(ii) shall:
- 109 (i) conduct meetings with residents and responsible persons to discuss the relocation process;
- 111 (ii) assist each resident with finding a new placement, taking into consideration the resident's needs, choices, and best interests;
- 126 (iii) invite assisted living facility operators from the surrounding area to visit and meet with residents of the assisted living facility that provided the notification under Subsection (4)(a)(ii);
- 113 ~~{(iii)}~~ (iv) {assist} as of the date that a resident {who desires to make} transfers or is discharged, provide the resident with a {site visit to another facility to which} prorated refund of any funds the resident {may relocate, including by making available} has prepaid to the {resident} facility, {at no charge} such as a reservation deposit, community fee, {transportation for up to three site visits to facilities within the same county} or {contiguous counties;} rent; and
- 117 ~~{(iv) {inventory each resident's personal possessions, provide a copy of the inventory to the resident and the resident's responsible person, and, in a timely manner, transfer the resident's possessions to a new location within the same county or contiguous counties;}}~~
- 121 ~~{(v) {complete a final accounting of each resident's personal funds held by the facility, provide a copy of the accounting to the resident and the resident's responsible person, and, in a timely manner, complete a transfer of the resident's funds as directed by the resident;}}~~
- 125 ~~{(vi) {assist each resident with the transfer and reconnection of service for telephones or other personal communication devices or services, and pay the costs associated with the transfer of service, including connection fees or other similar charges;}}~~

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- 128 ~~{(vii) {at no charge to the resident, arrange or provide for transportation of the resident to the resident's~~
~~new facility or location within the same county or contiguous counties, ensuring that there is no~~
~~disruption in providing meals, medications, or treatments during the relocation process; and}-}~~
- 132 ~~{(viii)}~~ (v) provide a resident's new facility or care entity with complete and accurate resident records,
including contact information for the resident's family members ~~{-}~~ and responsible person ~~{-, social~~
~~service or other caseworker, and managed care coordinator } .~~
- 136 (d) An assisted living facility may not close or undertake a change of use until all 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 person, if any, of
the acquisition sale at least 30 days before the day of the acquisition sale; and
- 141 (b) for residents of the assisted living facility at the time of the acquisition sale, the purchaser of the
assisted living facility may not raise the rates charged to those residents until at least 90 days after
the day of the acquisition sale.
- 138 ~~{(5)}~~ (6)
- (a) A county attorney or the attorney general may bring a petition in a court with jurisdiction for the
appointment of a receiver if an assisted living facility {intends to close or complete a qualifying sale
and-} has not complied with the requirements of this section.
- 142 (b) A court shall issue an order to show cause why a receiver should not be appointed returnable within
five days after the filing of the petition.
- 144 (c) If the court finds that the facts warrant the granting of the petition, the court shall appoint a receiver
to take charge of the facility.
- 146 (d) The court may determine fair compensation for the receiver.
- 147 (e) A receiver appointed pursuant to this section has the powers and duties prescribed by the court.

154 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

2-19-25 3:06 PM