

1 **Senior Care Facility Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tiara Auxier

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the closure or qualifying sale of an assisted living facility.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;

9 ▶ requires an assisted living facility to meet certain requirements if the assisted living
10 facility intends to close or complete a qualifying sale;

11 ▶ provides that an assisted living facility may not accept new residents if the facility intends
12 to close or complete a qualifying sale;

13 ▶ allows a county attorney or the attorney general to seek the appointment of a receiver if
14 an assisted living facility intends to close or complete a qualifying sale and does not
15 comply with statutory requirements; and

16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **26B-2-237**, as last amended by Laws of Utah 2023, Chapter 268 and renumbered and
24 amended by Laws of Utah 2023, Chapter 305 and last amended by Coordination Clause, Laws
25 of Utah 2023, Chapter 305

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

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

29 **26B-2-237 . Transfer or discharge from an assisted living facility -- Appointment**
30 **of receiver.**

- 31 (1) As used in this section:
- 32 (a) "Division" means the Division of Licensing and Background Checks.
- 33 (b) "Ombudsman" means the same as that term is defined in Section 26B-2-301.
- 34 (c) "Qualifying sale" means the sale of an assisted living facility that is expected to
- 35 cause the transfer or discharge of a resident within 60 days after the date of the sale.
- 36 ~~[(b)]~~ (d) "Resident" means an individual who receives health care from an assisted living
- 37 facility.
- 38 ~~[(e)]~~ (e) "Responsible person" means an individual who:
- 39 (i) is designated in writing by a resident to receive communication on behalf of the
- 40 resident; or
- 41 (ii) is legally authorized to make health care decisions on behalf of the resident.
- 42 (f) "Transition plan" means a plan for the closure or qualifying sale of an assisted living
- 43 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
- 46 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
- 48 transfer or discharge of residents;
- 49 (iv) specifically addresses how the facility will address the transfer or discharge of
- 50 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
- 52 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
- 55 regulations until the date of closure or sale; and
- 56 (viii) complies with any additional requirements that the department may impose by
- 57 rule made in accordance with Title 63G, Chapter 3, Utah Administrative
- 58 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

- 65 facility from which the resident is transferred or discharged shall:
- 66 (a) notify the resident and the resident's responsible person, if any, in writing and in a
67 language and a manner that is most likely to be understood by the resident and the
68 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
74 ombudsman on the same day on which the assisted living facility delivers the notice
75 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
77 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
80 to the medical or behavioral status of the resident; or
- 81 (B) the health of individuals in the assisted living facility from endangerment due
82 to the resident's continued residency;
- 83 (ii) an immediate transfer or discharge is required by the resident's urgent medical
84 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
87 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
92 a language and manner the resident is most likely to understand, to ensure a safe and
93 orderly transfer or discharge from the assisted living facility.
- 94 (4)(a) In the event of an assisted living facility closure or qualifying sale, in addition to
95 the requirements in Subsection (3):
- 96 (i) at least 120 days prior to the intended date of closure or qualifying sale, the
97 assisted living facility shall submit a proposed transition plan to the division for
98 approval; and

- 99 (ii) at least 60 days before the day on which the assisted living facility intends to
100 close or complete a qualifying sale, the assisted living facility shall provide
101 written notification of the closure or qualifying sale, including a copy of the
102 approved transition plan, to the ombudsman, the division, each resident of the
103 facility, and each resident's responsible person.
- 104 (b) An assisted living facility may not accept any new resident or application for
105 residency on or after the date the assisted living facility first provides a written
106 notification required by Subsection (4)(a)(ii).
- 107 (c) An assisted living facility that provides a written notification required by Subsection
108 (4)(a)(ii) shall:
- 109 (i) conduct meetings with residents and responsible persons to discuss the relocation
110 process;
- 111 (ii) assist each resident with finding a new placement, taking into consideration the
112 resident's needs, choices, and best interests;
- 113 (iii) assist a resident who desires to make a site visit to another facility to which the
114 resident may relocate, including by making available to the resident, at no charge,
115 transportation for up to three site visits to facilities within the same county or
116 contiguous counties;
- 117 (iv) inventory each resident's personal possessions, provide a copy of the inventory to
118 the resident and the resident's responsible person, and, in a timely manner, transfer
119 the resident's possessions to a new location within the same county or contiguous
120 counties;
- 121 (v) complete a final accounting of each resident's personal funds held by the facility,
122 provide a copy of the accounting to the resident and the resident's responsible
123 person, and, in a timely manner, complete a transfer of the resident's funds as
124 directed by the resident;
- 125 (vi) assist each resident with the transfer and reconnection of service for telephones
126 or other personal communication devices or services, and pay the costs associated
127 with the transfer of service, including connection fees or other similar charges;
- 128 (vii) at no charge to the resident, arrange or provide for transportation of the resident
129 to the resident's new facility or location within the same county or contiguous
130 counties, ensuring that there is no disruption in providing meals, medications, or
131 treatments during the relocation process; and
- 132 (viii) provide a resident's new facility or care entity with complete and accurate

133 resident records, including contact information for the resident's family members,
134 responsible person, social service or other caseworker, and managed care
135 coordinator.

136 (d) An assisted living facility may not close until all residents have relocated to an
137 appropriate alternative setting.

138 (5)(a) A county attorney or the attorney general may bring a petition in a court with
139 jurisdiction for the appointment of a receiver if an assisted living facility intends to
140 close or complete a qualifying sale and has not complied with the requirements of
141 this section.

142 (b) A court shall issue an order to show cause why a receiver should not be appointed
143 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
145 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
148 the court.

149 Section 2. **Effective Date.**

150 This bill takes effect on May 7, 2025.