

# HB0021S01 compared with HB0021

~~{Omitted text}~~ shows text that was in HB0021 but was omitted in HB0021S01

inserted text shows text that was not in HB0021 but was inserted into HB0021S01

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## Senior Care Facility Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tiara Auxier**

Senate Sponsor: Todd Weiler

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### LONG TITLE

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#### General Description:

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

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#### Highlighted Provisions:

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This bill:

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- defines terms;

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- 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;

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- 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;

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- prescribes requirements for an assisted living facility that intends to complete an acquisition sale;

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- 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

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- makes technical and conforming changes.

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#### Money Appropriated in this Bill:

HB0021

## HB0021 compared with HB0021S01

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

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

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

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

(1) As used in this section:

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

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

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

(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.

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

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

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

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

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

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

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

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

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

## HB0021 compared with HB0021S01

- 58 (h) "Transition plan" means a plan for the closure, qualifying sale, or change of use of an assisted living  
60 facility that:
- 61 (i) describes the facility's resident population and the population's needs;  
62 (ii) identifies available relocation options and resources, including a list of facilities within a 60-mile  
63 radius that may meet a resident's needs;  
64 (iii) describes how the facility will accomplish the safe, orderly, and appropriate transfer or discharge of  
65 residents;  
66 (iv) specifically addresses how the facility will address the transfer or discharge of each resident who  
67 may be difficult to relocate due to specialized care needs;  
68 (v) identifies steps needed to share information and coordinate with managed care organizations;  
69 (vi) includes a timeline for all steps in the closure or sale process;  
70 (vii) describes how the facility will maintain compliance with all applicable laws and regulations until  
71 the date of closure or sale; and  
72 (viii) complies with any additional requirements that the department may impose by rule made in  
73 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 74 (2) A facility is subject to the requirements in Subsection (3) if the transfer or discharge:
- 75 (a) is initiated by the facility for any reason;  
76 (b) is objected to by the resident or the resident's responsible person;  
77 (c) was not initiated by a verbal or written request from the resident; or  
78 (d) is inconsistent with the resident's preferences and stated goals for care.
- 79 (3) Before a transfer or discharge described in Subsection (2) occurs, the assisted living facility from  
80 which the resident is transferred or discharged shall:
- 81 (a) notify the resident and the resident's responsible person, if any, in writing and in a language and a  
82 manner that is most likely to be understood by the resident and the resident's responsible person, of:
- 83 (i) the reasons for the transfer or discharge;  
84 (ii) the effective date of the transfer or discharge;  
85 (iii) the location to which the resident will be transferred or discharged, if known; and  
86 (iv) the name, address, email, and telephone number of the ombudsman;
- 87 (b) send a copy, in English, of the notice described in Subsection (3)(a) to the ombudsman on the same  
88 day on which the assisted living facility delivers the notice described in Subsection (3)(a) to the  
89 resident and the resident's responsible person;

## HB0021 compared with HB0021S01

- 92 (c) provide the notice described in Subsection (3)(a) at least 30 days before the day on which the  
resident is transferred or discharged, unless:
- 94 (i) notice for a shorter period of time is necessary to protect:
- 95 (A) the safety of individuals in the assisted living facility from endangerment due to the medical or  
behavioral status of the resident; or
- 97 (B) the health of individuals in the assisted living facility from endangerment due to the resident's  
continued residency;
- 99 (ii) an immediate transfer or discharge is required by the resident's urgent medical needs; or
- 101 (iii) the resident has not resided in the assisted living facility for at least 30 days;
- 102 (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;
- 104 (e) orally explain to the resident:
- 105 (i) the services available through the ombudsman; and
- 106 (ii) the contact information for the ombudsman; and
- 107 (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.
- 110 (4)
- 112 (a) In the event of an assisted living facility closure, qualifying sale, or change of use, in addition to the  
requirements in Subsection (3):
- 115 (i) at least 120 days prior to the intended date of closure, qualifying sale, or change of use, the  
assisted living facility shall submit a proposed transition plan to the division for approval; and
- 115 (ii) at least 45 days before the day on which the assisted living facility intends to close, complete  
a qualifying sale, or undertake a change of use, the assisted living facility shall provide written  
notification of the closure, 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.
- 120 (b) An assisted living facility may not accept any new resident or application for residency on or after  
the date the assisted living facility submits a proposed transition plan required by Subsection (4)(a)  
(i).
- 123 (c) An assisted living facility that provides a written notification required by Subsection (4)(a)(ii) shall:

## HB0021 compared with HB0021S01

- (i) conduct meetings with residents and responsible persons to discuss the relocation process;
- (ii) assist each resident with finding a new placement, taking into consideration the resident's needs, choices, and best interests;
- (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);
- (iv) as of the date that a resident transfers or is discharged, provide the resident with a prorated refund of any funds the resident has prepaid to the facility, such as a reservation deposit, community fee, or rent; and
- (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.
- (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.
- (5) In the event of an acquisition sale:
- (a) the assisted living facility shall notify each resident and each resident's responsible person of the acquisition sale { ~~at least 30~~ } within five days { ~~before the date~~ } of the acquisition sale; and
- (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 60 days after the day of the acquisition sale{ ~~H~~ → { } { ~~and must send a 30-day notice of a rate increase if the rates are to be increased~~ } { } ← ~~H~~ } .
- (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 has not complied with the requirements of this section.
- (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.
- (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.
- (d) The court may determine fair compensation for the receiver.
- (e) A receiver appointed in accordance with this section has the powers and duties prescribed by the court.

Section 2. **Effective date.**

## **HB0021 compared with HB0021S01**

Effective Date.

This bill takes effect on May 6, 2026.

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