

Assisted Living Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Logan J. Monson
Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to assisted living facilities.

Highlighted Provisions:

This bill:

- defines terms;
- limits when an assisted living facility may discharge or transfer a resident; and
- creates an appeals process for a resident to appeal the decision of an assisted living facility.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26B-2-237.1, Utah Code Annotated 1953

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

Section 1. Section **26B-2-237.1** is enacted to read:

26B-2-237.1 . Assisted living transfer.

(1) As used in this section:

- (a) "Ombudsman" means the same as that term is defined in Section 26B-2-301.
- (b) "Resident" means an individual who resides in an assisted living facility.
- (c) "Resident's representative" means an individual chosen by the resident to act on the resident's behalf, or a individual authorized under state law to act on behalf of the resident in order to support the resident in decision-making, access medical, social, or other personal information of the resident, manage financial matters, or receive notifications.

- (2)(a) A resident or the resident's representative may appeal an assisted living facility's decision to discharge or transfer the resident by submitting a form, created by the department, to the department within 30 days of receiving the notice described in Subsection 26B-2-237(3).
- (b) A resident or resident's representative may seek assistance from the ombudsman to file an appeal.
- (3)(a) The department shall confirm receipt of the request within three business days and schedule a hearing.
- (b) An assisted living facility may not discharge or transfer a resident while an appeal is pending, unless the failure to discharge or transfer would endanger the health or safety of the resident or others in the assisted living facility.
- (4)(a) The hearing shall be conducted within 30 days of the request, or within seven business days if the resident requests an expedited hearing.
- (b) A hearing may be held in person or virtually.
- (5) The resident has the right to:
- (a) a hearing before an administrative law judge designated by the department;
 - (b) examine the resident's case file and documents to be used at the hearing;
 - (c) be represented by counsel or another spokesperson;
 - (d) present evidence and witnesses; and
 - (e) cross-examine adverse witnesses.
- (6) The assisted living facility has the burden of proving the discharge or transfer is done for a reason described in Subsection (8).
- (7)(a) The administrative law judge shall issue a written decision.
- (b) The decision shall include findings of fact, conclusions of law, and whether the discharge or transfer may proceed due to a reason described in Subsection (8).
- (8) An assisted living facility may discharge or transfer a resident if:
- (a) the assisted living facility ceases to operate;
 - (b) the resident fails to comply with written policies or rules of the assisted living facility;
 - (c) the resident fails to pay for services as required by the admission agreement;
 - (d) the resident wishes to transfer; or
 - (e) the resident's needs cannot be met because:
 - (i) the resident poses a threat to the health or safety of the resident or others; or
 - (ii) the resident's required medical treatment cannot be provided by the assisted living

65 facility.

66 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
67 department shall make rules to implement this section.

68 Section 2. **Effective Date.**

69 This bill takes effect on May 6, 2026.