

Effective 5/3/2023

31A-44-102 Definitions.

As used in this chapter:

- (1) "Continuing care" means furnishing or providing access to an individual, other than by an individual related to the individual by blood, marriage, or adoption, of lodging together with nursing services, medical services, or other related services pursuant to a contract requiring an entrance fee.
- (2) "Continuing care contract" means a contract under which a provider provides continuing care to a resident.
- (3)
 - (a) "Entrance fee" means an initial or deferred transfer to a provider of a sum of money or property made or promised to be made as full or partial consideration for acceptance of a specified individual as a resident in a facility.
 - (b) "Entrance fee" includes a monthly fee, assessed at a rate that is greater than the value of the provider's monthly services, that a resident agrees to pay in exchange for acceptance into a facility or a promise of future monthly fees assessed at a rate that is less than the value of the services rendered.
 - (c) "Entrance fee" does not include an amount less than the sum of the regular period charges for three months of residency in a facility.
 - (d) "Entrance fee" does not include a deposit of less than \$1,000 made under a reservation agreement.
- (4) "Facility" means a place in which a person provides continuing care pursuant to a continuing care contract.
- (5) "Ground lease" means a lease to a provider of the land and infrastructure improvements to the land on which a facility is located.
- (6) "Ground lessor" means, for a facility subject to a ground lease, the owner and lessor of the land and infrastructure improvements to the land on which the facility is located.
- (7) "Insolvent" means:
 - (a) having generally ceased to pay debts in the ordinary course of business other than as a result of a bona fide dispute;
 - (b) being unable to pay debts as they become due; or
 - (c) being insolvent within the meaning of federal bankruptcy law.
- (8) "Living unit" means a room, apartment, cottage, or other area within a facility set aside for the exclusive use or control of one or more identified individuals.
- (9)
 - (a) "Provider" means:
 - (i) the owner of a facility;
 - (ii) a person, other than a resident, that claims a possessory interest in a facility; or
 - (iii) a person who enters into a continuing care contract with a resident or potential resident.
 - (b) "Provider" does not include a person who is solely a ground lessor.
- (10) "Provider disclosure statement" means, for a given provider, the disclosure statement described in Section 31A-44-301.
- (11) "Reservation agreement" means an agreement that requires the payment of a deposit to reserve a living unit for a prospective resident.
- (12) "Resident" means an individual entitled to receive continuing care in a facility pursuant to a continuing care contract.

Amended by Chapter 271, 2023 General Session

