

ASSISTED LIVING FACILITY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to assisted living facilities.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ modifies when an assisted living facility must provide notice before transferring or discharging a resident.

Money Appropriated in this Bill:

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

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.



- 28 (1) As used in this section:
- 29 (a) "Admission agreement" means a written agreement of:
- 30 (i) services provided by the facility; and
- 31 (ii) the rights and responsibilities of the facility and the resident.
- 32 (b) "Notice" means a written notification that:
- 33 (i) is in writing and in a language that is most likely to be understood by a resident and
- 34 the resident's responsible person; and
- 35 (ii) provides the following:
- 36 (A) the reasons for the transfer or discharge;
- 37 (B) the effective date of the transfer or discharge;
- 38 (C) the location to which the resident will be transferred or discharged, if known; and
- 39 (D) the name, address, email, and telephone number of the ombudsman;
- 40 ~~[(a)]~~ (c) "Ombudsman" means the same as that term is defined in Section 26B-2-301.
- 41 ~~[(b)]~~ (d) "Resident" means an individual who receives health care from an assisted
- 42 living facility.
- 43 ~~[(c)]~~ (e) "Responsible person" means an individual who:
- 44 (i) is designated in writing by a resident to receive communication on behalf of the
- 45 resident; or
- 46 (ii) is legally authorized to make health care decisions on behalf of the resident.
- 47 (2) A facility is subject to the requirements in Subsection (3) if the transfer or
- 48 discharge:
- 49 (a) is initiated by the facility for any reason;
- 50 (b) is objected to by the resident or the resident's responsible person;
- 51 (c) was not initiated by a verbal or written request from the resident; or
- 52 (d) is inconsistent with the resident's preferences and stated goals for care.
- 53 (3) Before a transfer or discharge described in Subsection (2) occurs, the assisted living
- 54 facility from which the resident is transferred or discharged shall:
- 55 (a) ~~[notify the resident and the resident's responsible person, if any, in writing and in a~~
- 56 ~~language and a manner that is most likely to be understood by the resident and the resident's~~
- 57 ~~responsible person, of:]~~ provide notice to the resident and the resident's responsible person;
- 58 ~~[(i) the reasons for the transfer or discharge;]~~

- 59 ~~[(ii) the effective date of the transfer or discharge;]~~
60 ~~[(iii) the location to which the resident will be transferred or discharged, if known; and]~~
61 ~~[(iv) the name, address, email, and telephone number of the ombudsman;]~~
62 (b) send a copy, in English, of the notice ~~[described in Subsection (3)(a)]~~ to the
63 ombudsman on the same day on which the assisted living facility delivers the notice ~~[described~~
64 ~~in Subsection (3)(a)]~~ to the resident and the resident's responsible person;
65 (c) provide the notice ~~[described in Subsection (3)(a)]~~ at least ~~[30]~~ 60 days before the
66 day on which the resident is transferred or discharged, unless:
67 (i) ~~[notice for]~~ a shorter period of time is necessary to protect:
68 (A) the safety of individuals in the assisted living facility from endangerment due to
69 the medical or behavioral status of the resident; or
70 (B) the health of individuals in the assisted living facility from endangerment due to
71 the resident's continued residency;
72 (ii) an immediate transfer or discharge is required by the resident's urgent medical
73 needs; ~~[or]~~
74 (iii) the resident has not resided in the assisted living facility for at least 30 days; or
75 (iv) the resident is being transferred or discharged due to failure to pay for services as
76 required by the admission agreement.
77 (d) update the transfer or discharge notice as soon as practicable before the transfer or
78 discharge if information in the notice changes before the transfer or discharge;
79 (e) orally explain to the resident:
80 (i) the services available through the ombudsman; and
81 (ii) the contact information for the ombudsman; and
82 (f) provide and document the provision of preparation and orientation for the resident,
83 in a language and manner the resident is most likely to understand, to ensure a safe and orderly
84 transfer or discharge from the assisted living facility.
85 (4) In the event of an assisted living facility closure, the assisted living facility shall
86 provide written notification of the closure to the ombudsman, each resident of the facility, and
87 each resident's responsible person.
88 (5) If a resident is being transferred or discharged for a reason described in Subsection
89 (3)(c)(iv), an assisted living facility shall provide notice at least 30 days before the day on

90 which the resident is transferred or discharged.

91 Section 2. **Effective date.**

92 This bill takes effect on May 1, 2024.