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SENATE JOINT RESOLUTION NO. 52

Offered January 13, 2010

Prefiled January 12, 2010

Requesting the State Corporation Commission to study the management of continuing care retirement communities and the need for resident representation in management and governance. Report.

Patrons—Barker; Delegate: Watts

Referred to Committee on Rules

WHEREAS, continuing care retirement communities are communities providing or committing to provide board, lodging, and nursing services to an individual in consideration of payment of a fee, pursuant to a contract between the individual and the continuing care provider; and

WHEREAS, continuing care retirement communities are regulated by and required to register with the State Corporation Commission; and

WHEREAS, certain continuing care retirement communities are governed by a board of directors; and

WHEREAS, residents of continuing care retirement communities in the Commonwealth have a statutorily recognized right to receive information from the board of directors, its designated representative, or other such governing body of the community, if any, for the purpose of free discussion of issues relating to the facility including income, expenditures, and financial matters related to the facility and proposed changes in policies, programs, facilities, and services, but are not entitled to participation on the board or other governing body and are not guaranteed any role in decision making related to the continuing care retirement community; and

WHEREAS, allowing residents of continuing care retirement communities a greater role in informing and influencing decisions about and policies governing the continuing care retirement community in which they reside may be beneficial to residents and providers alike; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the State Corporation Commission be requested to study management of continuing care retirement communities and the need for resident representation in management and governance.

In conducting its study, the State Corporation Commission shall determine the various management and governance structures of continuing care retirement communities in the Commonwealth, and determine the need for and any benefits associated with requiring resident participation in management and governance of continuing care retirement communities. If the State Corporation Commission determines that a need exists and benefits would result from requiring resident participation in management and governance of continuing care retirement communities, the State Corporation Commission shall study and make recommendations related to the best method for implementing such requirement, including any statutory or regulatory changes that may be required.

All agencies of the Commonwealth shall provide assistance to the State Corporation Commission for this study, upon request.

The State Corporation Commission shall complete its meetings for the first year by November 30, 2010, and for the second year by November 30, 2011, and the State Corporation Commission shall submit to the Governor and the General Assembly an executive summary and report of its findings and recommendations for publication as a House or Senate document for each year. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the next Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

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