

1 A bill to be entitled

2 An act relating to continuing care contracts; amending s.
3 651.026, F.S.; requiring continuing care providers to
4 provide additional information in annual reports to the
5 Office of Insurance Regulation; applying financial
6 viability assessment measures to an operator under certain
7 circumstances; amending s. 651.0261, F.S.; authorizing the
8 office to require providers to file quarterly financial
9 statements under certain circumstances; amending s.
10 651.051, F.S.; permitting the removal of certain assets
11 and records of a provider from the state if certain notice
12 is provided to the residents' council; amending ss.
13 651.081 and 651.083, F.S.; providing additional rights
14 relating to financial accountability by the provider for
15 residents of continuing care facilities; amending s.
16 651.085, F.S.; revising provisions relating to quarterly
17 meetings between residents and the governing body of the
18 provider; amending s. 651.091, F.S.; requiring continuing
19 care facilities to provide certain information to the
20 public; revising the time period within which the facility
21 is required to provide an annual report to the residents'
22 organization; amending s. 651.105, F.S.; authorizing the
23 office to require additional information from the provider
24 during examinations and inspections; amending s. 651.106,
25 F.S.; requiring the office to provide notice prior to
26 denying, suspending, or revoking certificates of authority
27 under certain circumstances; amending s. 651.1151, F.S.;
28 authorizing the office to require providers to submit

29 certain contracts for review; providing that actions
 30 omitted by the office in response to petition by a
 31 residents' organization or resident are subject to review
 32 under ch. 120, F.S., under certain circumstances;
 33 providing an effective date.

34

35 Be It Enacted by the Legislature of the State of Florida:

36

37 Section 1. Subsections (2) and (3) of section 651.026,
 38 Florida Statutes, are amended to read:

39 651.026 Annual reports.--

40 (2) The annual report shall be in such form as the
 41 commission prescribes and shall contain at least the following:

42 (a) Any change in status with respect to the information
 43 required to be filed under s. 651.022(2).

44 (b) Financial statements audited by an independent
 45 certified public accountant, which shall contain, for two or
 46 more periods if the facility has been in existence that long,
 47 the following:

48 1. An accountant's opinion and, in accordance with
 49 generally accepted accounting principles:

50 a. A balance sheet;

51 b. A statement of income and expenses;

52 c. A statement of equity or fund balances; ~~and~~

53 d. A statement of changes in cash flows; and

54 e. If the provider's financial statements are consolidated
 55 with those of another entity, a consolidating balance sheet and
 56 consolidating statements of income and expenses, equity or fund

57 balances, and cash flows, which report in separate columns the
58 separate data for each entity, the eliminations, and the
59 consolidated data.

60 2. Notes to the financial statements considered customary
61 or necessary to full disclosure or adequate understanding of the
62 financial statements, financial condition, and operation.

63 3. A supplemental statement of income and expenses
64 indicating by department cost center, pursuant to s. 651.085(4),
65 the income and expenses of each department in sufficient detail
66 to present to the residents a meaningful summary of operations
67 for each reporting period and with sufficient consistency to
68 permit period-to-period comparison by the residents.

69 (c) The following financial information:

70 1. A detailed listing of the assets maintained in the
71 liquid reserve as required in s. 651.035 and in accordance with
72 part II of chapter 625;

73 2. An itemized ~~A schedule of giving additional information~~
74 ~~relating to~~ property, plant, and equipment having an original
75 cost of at least \$25,000, so as to show in reasonable detail
76 with respect to each separate facility original costs,
77 accumulated depreciation, net book value, appraised value or
78 insurable value and date thereof, insurance coverage,
79 encumbrances, and net equity of appraised or insured value over
80 encumbrances. Any property not used in continuing care shall be
81 shown separately from property used in continuing care;

82 3. The level of participation in Medicare or Medicaid
83 programs, or both;

84 4. A statement of all fees required of residents,
85 including, but not limited to, a statement of the entrance fee
86 charged, the monthly service charges, the proposed application
87 of the proceeds of the entrance fee by the provider, and the
88 plan by which the amount of the entrance fee is determined if
89 the entrance fee is not the same in all cases; and

90 5. Any change or increase in fees and any change or
91 decrease in ~~when the provider changes either the scope of, or~~
92 ~~the rates for, care or services,~~ regardless of whether the
93 change in fees involves the basic rates and services rate or
94 only those services available at additional costs to the
95 resident.

96 6.a. If the provider has more than one certificated
97 facility, it shall submit a statement of operations for each
98 facility as supplemental information to the audited financial
99 statements required as part of the annual report.

100 b. If the provider has operations that are not Florida
101 certificated facilities, the provider shall also submit as
102 supplemental information to the audited financial statements,
103 balance sheets, statements of changes in equity, and statements
104 of cash flows for each Florida certificated facility.

105 (d) Such other reasonable data, financial statements, and
106 pertinent information as the commission or office may require
107 with respect to the provider or the facility, or its directors,
108 trustees, members, branches, subsidiaries, or affiliates, to
109 determine the financial status of the facility, and the
110 management capabilities of its managers and owners, and the

111 provider's substantial compliance with the continuing care
 112 contract filed with the office pursuant to s. 651.091(3).

113 (e) Each facility shall file with the office annually,
 114 together with the annual report required by this section, a
 115 computation of its minimum liquid reserve calculated in
 116 accordance with s. 651.035 on a form prescribed by the
 117 commission.

118 (3) The commission shall adopt by rule meaningful measures
 119 of assessing the financial viability of a provider and, if a
 120 separate entity, an operator. The rule may include the following
 121 factors:

- 122 (a) Debt service coverage ratios.
- 123 (b) Current ratios.
- 124 (c) Adjusted current ratios.
- 125 (d) Cash flows.
- 126 (e) Occupancy rates.
- 127 (f) Other measures, ratios, or trends.
- 128 (g) Other factors as may be appropriate.

129 Section 2. Section 651.0261, Florida Statutes, is amended
 130 to read:

131 651.0261 Quarterly statements.--If the office finds,
 132 pursuant to rules of the commission, that such information is
 133 needed to properly monitor the financial condition of a provider
 134 or facility or is otherwise needed to protect the interests of
 135 the facility's residents or the public interest, the office
 136 shall ~~may~~ require the provider to file, within 45 days after the
 137 end of each fiscal quarter, a quarterly unaudited financial
 138 statement of the provider or of the facility in the form

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139 prescribed by the commission by rule. The commission may by rule
140 require all or part of the statements or filings required under
141 this section to be submitted by electronic means in a computer-
142 readable form compatible with the electronic data format
143 specified by the commission. The provider shall deliver to the
144 president or chair of the residents' organization a complete
145 copy of each such quarterly statement within 10 days after the
146 statement is filed with the office.

147 Section 3. Section 651.051, Florida Statutes, is amended
148 to read:

149 651.051 Maintenance of assets and records in state.--No
150 records or assets may be removed from this state by a provider
151 unless the office consents to such removal in writing before
152 such removal. Such consent shall be based upon the provider's
153 submitting satisfactory evidence that the removal will
154 facilitate and make more economical the operations of the
155 provider and will not diminish the service or protection
156 thereafter to be given the provider's residents in this state.
157 Prior to such removal, the provider shall give notice to the
158 president or chair of the facility's residents' council. If such
159 removal is part of a cash management system which has been
160 approved by the office, disclosure of the system to the
161 residents' council shall meet the notification requirements.

162 Section 4. Subsection (2) of section 651.081, Florida
163 Statutes, is renumbered as subsection (3), and a new subsection
164 (2) is added to that section to read:

165 651.081 Continuing care facilities residents'
166 organizations.--

167 (2) Residents have the right, exercisable through a
 168 residents' organization, to full accountability by the provider
 169 and operator for the finances of the facility, including all
 170 uses of residents' monthly maintenance fees. If the facility has
 171 a residents' organization, the provider and operator shall
 172 provide the residents' organization with the following:

173 (a) At least quarterly, an accounting of receipts,
 174 expenses, and other uses of funds, by department cost center, as
 175 required under s. 651.085(4).

176 (b) Any accounting or financial information and an
 177 explanation thereof requested by the residents' organization for
 178 a specified account or item.

179 (c) The accounts and records of the facility, for
 180 examination by the residents' organization or by such
 181 individuals or firms as the residents' organization may choose
 182 to make such examinations on its behalf.

183 Section 5. Paragraph (c) of subsection (1) of section
 184 651.083, Florida Statutes, is amended, and paragraphs (h) and
 185 (i) are added to subsection (1) of that section, to read:

186 651.083 Residents' rights.--

187 (1) No resident of any facility shall be deprived of any
 188 civil or legal rights, benefits, or privileges guaranteed by
 189 law, by the State Constitution, or by the United States
 190 Constitution solely by reason of status as a resident of a
 191 facility. Each resident of a facility has the right to:

192 (c) Unrestricted private communication, including
 193 receiving and sending unopened correspondence by electronic and
 194 all other means.

195 (h) Full accountability for the finances of the facility,
 196 recognizing that monthly maintenance fees are resident funds to
 197 be used only for the benefit of residents and accounted for as
 198 such in a consistent format that allows residents to make
 199 period-to-period comparisons.

200 (i) Receive advance notice of all proposed changes in
 201 fees, services, procedures, and policies that may affect the
 202 finances or welfare of residents.

203 Section 6. Section 651.085, Florida Statutes, is amended
 204 to read:

205 651.085 Quarterly meetings between residents and the
 206 governing body of the provider; resident representation before
 207 the governing body of the provider.--

208 (1) The governing body of a provider, or the designated
 209 representative of the provider, shall hold quarterly meetings
 210 with the residents of the continuing care facility for the
 211 purpose of free discussion of subjects including, but not
 212 limited to, income, expenditures, and financial trends and
 213 problems as they apply to the facility, as well as disclosure
 214 and a discussion of all ~~en~~ proposed changes in policies,
 215 programs, and services. Upon request of the residents'
 216 organization, a member of the governing body of the provider,
 217 such as a board member, a general partner, or a principal owner
 218 shall attend such meetings. Residents shall be entitled to at
 219 least 7 days' advance notice of each quarterly meeting. During
 220 the advance notice period, the ~~An~~ agenda and any materials that
 221 will be distributed by the governing body or representative of
 222 the provider shall be posted in a conspicuous place at the

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223 facility and shall be available upon request to residents of the
224 facility. The office shall request verification from a facility
225 that quarterly meetings are held and open to all residents when
226 it receives a complaint from the residents' council that a
227 facility is not in compliance with the provisions of this
228 subsection. In addition, a facility shall report to the office
229 in the annual report required under s. 651.026 the dates on
230 which quarterly meetings were held during the reporting period.

231 (2) A residents' organization formed pursuant to s.
232 651.081, members of which are elected by the residents, may
233 designate a resident to represent them before the governing body
234 of the provider or organize a meeting or ballot election of the
235 residents of the facility to determine whether to elect a
236 resident to represent them before the governing body of the
237 provider. If a residents' organization as described in s.
238 651.081 does not exist, any resident may organize a meeting or
239 ballot election of the residents of the facility to determine
240 whether to elect a resident to represent them before the
241 governing body and, if applicable, elect the representative. The
242 residents' organization, or the resident that organizes a
243 meeting or ballot election to elect a representative, shall give
244 all residents of the facility notice at least 10 business days
245 before the meeting or election. Notice may be given through
246 internal mailboxes, communitywide newsletters, bulletin boards,
247 in-house television stations, and other similar means of
248 communication. An election of the representative is valid if at
249 least 40 percent of the total resident population participates
250 in the election and a majority of the participants vote

251 affirmatively for the representative. The initial designated
 252 representative elected under this section shall be elected to
 253 serve for a period of at least 12 months.

254 (3) If the provider holding the certificate of authority
 255 for a facility and the operator of the facility are different
 256 individuals or entities, the residents' organization is
 257 entitled, upon request, to designate a majority of the voting
 258 members of the governing body of the operator. The designated
 259 voting members ~~representative~~ shall be notified at least 14 days
 260 in advance of all meetings ~~any meeting~~ of the full governing
 261 body and at which proposed changes in resident fees or services
 262 ~~will be discussed.~~ The representative shall be entitled ~~invited~~
 263 to attend the entire meeting and participate in discussions of
 264 all matters considered during the meeting ~~that portion of the~~
 265 ~~meeting designated for the discussion of such changes.~~ Minutes
 266 of all meetings of the operator of the facility shall be
 267 available to the residents for inspection in the facility's
 268 office and copies shall be furnished to residents upon request
 269 and payment of a reasonable charge to cover copying costs.

270 (4) At a quarterly meeting prior to the implementation of
 271 any increase in the monthly maintenance fee, the designated
 272 representative of the provider must provide the reasons, by
 273 department cost centers, for any increase in the fee ~~that~~
 274 ~~exceeds the most recently published Consumer Price Index for all~~
 275 ~~Urban Consumers, all items, Class A Areas of the Southern~~
 276 ~~Region.~~ Nothing in this subsection shall be construed as placing
 277 a cap or limitation on the amount of any increase in the monthly
 278 maintenance fee, ~~establishing a presumption of the~~

279 ~~appropriateness of the Consumer Price Index as the basis for any~~
 280 ~~increase in the monthly maintenance fee, or limiting or~~
 281 ~~restricting the right of a provider to establish or set monthly~~
 282 ~~maintenance fee increases, provided the proposed increases and~~
 283 ~~the reasons for the increases are fully and accurately disclosed~~
 284 ~~to the residents in advance.~~

285 Section 7. Section 651.091, Florida Statutes, is amended
 286 to read:

287 651.091 Availability, distribution, and posting of reports
 288 and records; requirement of full disclosure.--

289 (1) Each continuing care facility shall maintain as public
 290 information, available upon request, records of all cost and
 291 inspection reports pertaining to that facility that have been
 292 filed with or issued by any governmental agency. A copy of each
 293 such report shall be retained in such records for not less than
 294 5 years from the date the provider notifies the residents'
 295 organization in writing that the report has been ~~is~~ filed or
 296 issued. Each facility shall also maintain as public information,
 297 available upon request, all annual reports ~~statements~~ that have
 298 been filed with the office.

299 (2) Every continuing care facility shall:

300 (a) Display the certificate of authority in a conspicuous
 301 place inside the facility.

302 (b) Post in a prominent position in the facility so as to
 303 be accessible to all residents and to the general public a
 304 concise summary of the last examination report issued by the
 305 office, with references to the page numbers of the full report
 306 noting any deficiencies found by the office, and the actions

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307 taken by the provider to rectify such deficiencies, indicating
308 in such summary where the full report may be inspected in the
309 facility.

310 (c) Post in a prominent position in the facility so as to
311 be accessible to all residents and to the general public a
312 summary of the latest annual report statement, indicating in the
313 summary where the full annual report statement may be inspected
314 in the facility. Listings, with summaries, A-listing of any
315 proposed changes in policies, programs, and services shall also
316 be posted at least 30 days before the changes are effective.

317 (d) Distribute a copy of the full annual report statement
318 to the president or chair of the residents' council within 10 ~~30~~
319 days after the filing of the annual report with the office, and
320 designate a staff person to provide explanation thereof.

321 (e) Notify the residents' council of any plans filed with
322 the office to obtain new financing, additional financing, or
323 refinancing for the facility and of any applications to the
324 office for any expansion of the facility. If the new financing,
325 additional financing, or refinancing will or may increase
326 residents' financial obligations or otherwise be detrimental to
327 their interests, the provider shall also deliver to the
328 residents' council, within 10 days after submitting any
329 information to the office pursuant to s. 651.019, a full and
330 accurate summary of the information submitted.

331 (3) Before entering into a contract to furnish continuing
332 care, the provider undertaking to furnish the care, or the agent
333 of the provider, shall make full disclosure, and provide copies
334 of all ~~the~~ disclosure documents to the prospective resident or

335 his or her legal representative, including, but not limited to,
 336 the then-current versions of the following information:

337 (a) The contract to furnish continuing care.

338 (b) The summary listed in paragraph (2)(b).

339 (c) All ownership interests, ~~and~~ lease agreements, and
 340 every other agreement between the provider and a person or
 341 entity related to the provider pursuant to s. 651.1151(1),
 342 including information specified in s. 651.022(2)(b)8.

343 (d) In keeping with the intent of this subsection relating
 344 to disclosure, the provider shall make available for review,
 345 master plans approved by the provider's governing board and any
 346 plans for expansion or phased development, to the extent that
 347 the availability of such plans will not put at risk real estate,
 348 financing, acquisition, negotiations, or other implementation of
 349 operational plans and thus jeopardize the success of
 350 negotiations, operations, and development.

351 (e) Copies of the rules and regulations of the facility
 352 and an explanation of the responsibilities of the resident.

353 (f) The policy of the facility with respect to admission
 354 to and discharge from the various levels of health care offered
 355 by the facility.

356 (g) The amount and location of any reserve funds required
 357 by this chapter, and the name of the person or entity having a
 358 claim to such funds in the event of a bankruptcy, foreclosure,
 359 or rehabilitation proceeding.

360 (h) A copy of the resident's rights as described in s.
 361 651.083.

362

363 A true and complete copy of the full initial, revised, or
 364 amended disclosure document to be used shall be filed with and
 365 reviewed by the office prior to its use. Within 45 days after
 366 receipt of the disclosure document, the office shall notify the
 367 provider in writing of its acceptance of the disclosure document
 368 or notify the provider in writing of its objections to the
 369 document. A resident or prospective resident or his or her legal
 370 representative shall be permitted to inspect the full reports
 371 referred to in paragraph (2)(b); the charter or other agreement
 372 or instrument required to be filed with the office pursuant to
 373 s. 651.022(2), together with all amendments thereto; and the
 374 bylaws of the corporation or association, if any. Upon request,
 375 copies of the reports and information shall be provided to the
 376 individual requesting them if the individual agrees to pay a
 377 reasonable charge to cover copying costs.

378 Section 8. Subsection (1) of section 651.105, Florida
 379 Statutes, is amended, subsections (2) through (4) are renumbered
 380 as subsections (3) through (5), respectively, and a new
 381 subsection (2) is added to that section, to read:

382 651.105 Examination and inspections.--

383 (1) The office may at any time, and shall at least once
 384 every 3 years, examine the business of any applicant for a
 385 certificate of authority and any provider engaged in the
 386 execution of care contracts or engaged in the performance of
 387 obligations under such contracts, in the same manner as is
 388 provided for examination of insurance companies pursuant to s.
 389 624.316. Such examinations shall be made by a representative or
 390 examiner designated by the office, whose compensation will be

391 fixed by the office pursuant to s. 624.320. Routine examinations
 392 may be made by having the necessary documents submitted to the
 393 office; and, for this purpose, financial documents and records
 394 conforming to generally ~~commonly~~ accepted accounting principles
 395 and practices, as required under s. 651.026, will be deemed
 396 adequate. The final written report of each such examination
 397 shall be filed with the office and, when so filed, will
 398 constitute a public record. Any provider being examined shall,
 399 upon request, give reasonable and timely access to all of its
 400 records. The representative or examiner designated by the office
 401 may at any time examine the records and affairs and inspect the
 402 physical property of any provider, whether in connection with a
 403 formal examination or not.

404 (2) The office shall issue and require examiners to follow
 405 a comprehensive checklist to use when evaluating continuing care
 406 retirement communities. The checklist shall include, but not be
 407 limited to, a statement verifying that the provider has made all
 408 required disclosures and that all required documents have been
 409 submitted to the office.

410 Section 9. Section 651.106, Florida Statutes, is amended
 411 to read:

412 651.106 Grounds for discretionary refusal, suspension, or
 413 revocation of certificate of authority.--The office, in its
 414 discretion, after giving notice, may deny, suspend, or revoke
 415 the provisional certificate of authority or the certificate of
 416 authority of any applicant or provider if it finds that any one
 417 or more of the following grounds applicable to the applicant or
 418 provider exist:

- 419 (1) Failure by the provider to continue to meet the
 420 requirements for the authority originally granted.
- 421 (2) Failure by the provider to meet one or more of the
 422 qualifications for the authority specified by this chapter.
- 423 (3) Material misstatement, misrepresentation, or fraud in
 424 obtaining the authority, or in attempting to obtain the same.
- 425 (4) Demonstrated lack of fitness or trustworthiness.
- 426 (5) Fraudulent or dishonest practices of management in the
 427 conduct of business, including misrepresentation of any reason
 428 for an increase in monthly maintenance fees.
- 429 (6) Misappropriation, conversion, or withholding of
 430 moneys.
- 431 (7) Failure to comply with, or violation of, any proper
 432 order or rule of the office or commission or violation of any
 433 provision of this chapter.
- 434 (8) The insolvent condition of the provider or the
 435 provider's being in such condition or using such methods and
 436 practices in the conduct of its business as to render its
 437 further transactions in this state hazardous or injurious to the
 438 public.
- 439 (9) Refusal by the provider to be examined or to produce
 440 its accounts, records, and files for examination, or refusal by
 441 any of its officers to give information with respect to its
 442 affairs or to perform any other legal obligation under this
 443 chapter when required by the office.
- 444 (10) Failure by the provider to comply with the
 445 requirements of s. 651.026 or s. 651.033.

446 (11) Failure by the provider to maintain escrow accounts
 447 or funds as required by this chapter.

448 (12) Failure by the provider to meet the requirements of
 449 this chapter for disclosure of information to residents
 450 concerning the facility, its ownership, any agreement, including
 451 a lease, between the provider or operator and a person or entity
 452 related to the provider pursuant to s. 651.1151(1), its
 453 management, its development, or its financial condition or
 454 failure to honor its continuing care contracts.

455 (13) Any cause for which issuance of the license could
 456 have been refused had it then existed and been known to the
 457 office.

458 (14) Having been found guilty of, or having pleaded guilty
 459 or nolo contendere to, a felony in this state or any other
 460 state, without regard to whether a judgment or conviction has
 461 been entered by the court having jurisdiction of such cases.

462 (15) In the conduct of business under the license,
 463 engaging in unfair methods of competition or in unfair or
 464 deceptive acts or practices prohibited under part IX of chapter
 465 626.

466 (16) A pattern of bankrupt enterprises.

467
 468 Revocation of a certificate of authority under this section does
 469 not relieve a provider from the provider's obligation to
 470 residents under the terms and conditions of any continuing care
 471 contract between the provider and residents or the provisions of
 472 this chapter. The provider shall continue to file its annual
 473 statement and pay license fees to the office as required under

474 this chapter as if the certificate of authority had continued in
 475 full force, but the provider shall not issue any new continuing
 476 care contracts. The office may seek an action in the circuit
 477 court of Leon County to enforce the office's order and the
 478 provisions of this section.

479 Section 10. Section 651.1151, Florida Statutes, is amended
 480 to read:

481 651.1151 Administrative, vendor, and management
 482 contracts.--

483 (1) The office shall ~~may~~ require a provider to submit for
 484 review any contract ~~for administrative, vendor, or management~~
 485 ~~services~~ if the office has information or believes that any
 486 party to a contract is and belief that a provider has entered
 487 ~~into a contract with~~ an affiliate of the provider, an entity
 488 controlled by the provider, ~~or~~ an entity controlled by an
 489 affiliate of the provider, or is otherwise related to the
 490 provider, if that relationship or the contract itself, including
 491 any renewals or extensions thereof, has not been disclosed to
 492 the office and to the residents of the facility. The office
 493 shall determine whether or not the contract creates or fosters a
 494 conflict of interest or imposes direct or indirect payment and
 495 other obligations detrimental to the facility or its residents
 496 ~~which has not been disclosed to the office or which contract~~
 497 ~~requires the provider to pay a fee that is unreasonably high in~~
 498 ~~relation to the service provided.~~

499 (2) If the contract has not been disclosed to the office,
 500 or the residents' organization confirms to the office that the
 501 contract has not been disclosed to the residents ~~After review of~~

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502 ~~the contract~~, the office shall ~~may~~ order the provider to cancel
503 the contract in accordance with the terms of the contract and
504 applicable law ~~if it determines that the fees to be paid are so~~
505 ~~unreasonably high as compared with similar contracts entered~~
506 ~~into by other providers in similar circumstances that the~~
507 ~~contract is detrimental to the facility or its residents.~~

508 (3) If, after reviewing a contract, the office determines
509 that the contract does not create or foster a conflict of
510 interest or impose obligations detrimental to the facility or
511 its residents, the office shall issue an order approving the
512 contract, stating the reasons for its action, and shall promptly
513 notify the facility's residents' organization of its order.
514 However, if the office determines that the contract creates or
515 fosters a conflict of interest or imposes obligations
516 detrimental to the facility or its residents, the office shall
517 order the provider to cancel the contract and promptly notify
518 the facility's residents' organization of its order.

519 (4)~~(3)~~ Any contract with an affiliate, an entity
520 controlled by the provider, or an entity controlled by an
521 affiliate of the provider for administrative, vendor, or
522 management services entered into or renewed after October 1,
523 1991, shall contain a provision that the contract shall be
524 canceled upon issuance of an order by the office pursuant to
525 this section. A copy of the current management services
526 contract, pursuant to this section, if any, must be on file in
527 the marketing office or other accessible area to residents and
528 the appropriate resident organizations.

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529 (5)~~(4)~~ Any action of the office under this section,
530 including failure to act when petitioned by the residents'
531 organization or a resident of the facility, is subject to review
532 pursuant to the procedures provided in chapter 120.
533 Section 11. This act shall take effect July 1, 2008.