

# Senate Bill 1021

Sponsored by Senator FREDERICK

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act stops CCRCs from ending programs without tenant consent. (Flesch Readability Score: 61.3).

Prohibits a continuing care retirement community from eliminating or reducing a resident's services or programs that were included in the resident's initial residency agreement without the consent of the resident.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to continuing care retirement communities; creating new provisions; amending ORS 101.052,  
3 101.112 and 101.115; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 101.**

6 **SECTION 2. (1) A continuing care retirement community may not without the written**  
7 **consent of the resident materially reduce or eliminate a service or a program, or take an**  
8 **action that has the effect of eliminating a service or a program, for a resident if the service**  
9 **or program was made a part of the residency agreement at the time the resident was ad-**  
10 **mitted. This subsection applies to those services or programs included within the regular**  
11 **periodic charges or those that require additional fees.**

12 **(2) For residents for whom the service or program was not made a part of the residency**  
13 **agreement as described in subsection (1) of this section, the CCRC may reduce or eliminate**  
14 **the service or program by a policy change through the process described in ORS 101.112.**

15 **SECTION 3. Section 2 of this 2025 Act applies to:**

16 **(1) Residency agreements for residents that were executed on or after the effective date**  
17 **of this 2025 Act; or**

18 **(2) Services or programs provided on or after the effective date of this 2025 Act.**

19 **SECTION 4. ORS 101.052 is amended to read:**

20 101.052. (1) The provider shall file with the Department of Human Services an annual disclosure  
21 statement for the provider's fiscal year that satisfies the requirements of this section and ORS  
22 101.050. The statement shall be filed within four months following the end of the provider's fiscal  
23 year unless the time is extended by the department.

24 (2) In addition to the information required for an initial statement under ORS 101.050, the an-  
25 nual disclosure statement shall include:

26 (a) An audited financial statement prepared in accordance with generally accepted accounting  
27 principles for the preceding fiscal year;

28 (b) A disclosure of any change in ownership or manager;

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) The frequency of residents' council meetings and the dates of the meetings; and

2 (d) Copies of all notices of changes in regular periodic charges, **fees or policies under ORS**  
 3 **101.112** [or notices of proposed changes in fees or services] that were given to residents during the  
 4 provider's most recently completed fiscal year.

5 (3) To amend an annual disclosure statement, a provider shall file all amended documents and  
 6 new materials with the department.

7 **SECTION 5.** ORS 101.112 is amended to read:

8 101.112. (1) The governing body or a designated representative of the provider shall hold  
 9 meetings with the residents' council or meetings that are open to all of the residents in a continuing  
 10 care retirement community at least twice a year for the purpose of free discussion of subjects that  
 11 may include, but are not limited to, facility income, expenditures, financial trends, resident  
 12 concerns, [and] proposed changes in [policy, programs and services] **regular periodic charges, fees**  
 13 **or policies under this section or proposed changes to services and programs under section 2**  
 14 **of this 2025 Act.** The meetings shall be open to a designated personal representative of a resident.  
 15 In addition, the provider shall present for discussion any issue the residents' council or any resident  
 16 of the CCRC identifies orally or in writing 14 days or more prior to the date of the meeting.

17 (2) The provider shall give residents at least 45 days' notice of proposed changes in fees, regular  
 18 periodic charges or [services] **policies.** At least 30 days before an increase in regular periodic  
 19 charges takes effect, the provider shall hold a meeting with the residents' council or a meeting that  
 20 is open to all of the residents of a CCRC to present the reasons for the proposed increase and any  
 21 data supporting the need for the increase. A meeting described in subsection (1) of this section may  
 22 be used for this purpose. At least 14 days prior to the meeting, the provider shall post in a con-  
 23 spicuous location and make available to each resident an agenda for the meeting. At the meeting,  
 24 the provider shall make available an accounting of:

25 (a) Actual and projected income and expenses for the CCRC's current fiscal year;

26 (b) Projected income and expenses for the following fiscal year; and

27 (c) The current charges for each living unit in the CCRC and the proposed increase to each  
 28 charge.

29 (3) A provider shall review the CCRC budget with the residents' council or a committee ap-  
 30 pointed by the council during the budget planning process.

31 (4) A provider shall make available to the residents' council or a committee appointed by the  
 32 council, at least twice each year, a financial statement for the CCRC that compares actual costs to  
 33 budgeted costs, broken down by expense category.

34 (5) A provider shall maintain and make available to any resident, upon request, minutes of the  
 35 meetings of the provider's governing body. The provider may remove from the minutes information  
 36 regarding any matters discussed in executive session or that relate to litigation, personnel, compet-  
 37 itive advantage or an individual resident's personal affairs, but may not remove information re-  
 38 garding the annual budget, increases in regular periodic charges, provider indebtedness or expansion  
 39 in new or existing facilities. A provider shall retain the minutes for no less than three years from  
 40 the date the minutes were created.

41 (6) The governing body of a provider shall allow at least one resident from each CCRC operated  
 42 in this state by the provider to participate as a nonvoting resident representative on the governing  
 43 body or along with the owners or managers. The resident representative may be excluded from any  
 44 executive session and from discussion of confidential matters or matters related to litigation, per-  
 45 sonnel, competitive advantage or an individual resident's personal affairs. The resident represen-

1 tative may not be excluded from discussion of matters relating to the annual budget, increases in  
2 regular periodic charges, provider indebtedness or expansion in new or existing facilities.

3 (7) The resident representative described in subsection (6) of this section and the  
4 representative's alternate must be elected by a majority vote of the residents' council of each CCRC  
5 or by a majority vote of all residents of a CCRC. The representative is responsible for submitting  
6 the representative's name, address, electronic mail address and telephone number to the provider.  
7 The provider may establish the term for representatives and the procedures for election and re-  
8 placement of a representative and an alternate.

9 (8) A provider shall send to each resident representative and alternate, at the same time and in  
10 the same manner as other members of the governing body, owners or managers of the provider, the  
11 notice of meeting and any written materials relevant to the discussions in which the resident rep-  
12 resentative may participate under subsection (6) of this section.

13 (9) The provider shall pay all reasonable travel expenses for a resident representative or alter-  
14 nate to attend meetings of the governing body and meetings of governing body committees.

15 (10) Nothing in this chapter prohibits a provider from allowing greater resident participation  
16 than the minimum requirements set forth in this chapter including, but not limited to, the require-  
17 ment:

18 (a) Under subsection (1) of this section to hold meetings with the residents' council or meetings  
19 that are open to all of the residents twice each year.

20 (b) Under subsection (6) of this section to allow one elected resident representative for each  
21 CCRC to participate in the provider's governing body or along with owners or managers.

22 **SECTION 6.** ORS 101.115 is amended to read:

23 101.115. (1) A provider must assist a resident, upon request, in the exercise of the resident's  
24 rights as a [*citizen*] **resident** of the United States and as a resident of this state. A resident has the  
25 right to exercise all rights that do not infringe upon the rights or safety of other residents.

26 (2) A resident has the right to review a provider's disclosure statements.

27 (3) A provider may not discriminate or impose any requirement or restriction based on sex,  
28 marital status, race, color, sexual orientation, gender identity or national origin of a resident, a  
29 prospective resident or a resident's visitor.

30 (4) A provider shall make reasonable accommodations to ensure that services are accessible to  
31 residents who have disabilities.

32 (5) A provider shall treat each resident with respect and dignity at all times, and ensure privacy  
33 for each resident during rehabilitation or treatment and when receiving personal care services.

34 (6) A resident has the right to associate and communicate privately with persons of the  
35 resident's choice and to send and receive mail that is not opened by the provider.

36 (7) A resident has the right to be free from abuse as defined in ORS 124.005.

37 (8) The residents' council has the right to meet with the provider no less than twice each year  
38 and must be allowed free discussion at the meetings of subjects that may include, but need not be  
39 limited to, facility income, expenditures, financial trends, resident concerns, proposed changes in  
40 **regular periodic charges, fees**, policy, programs and services, and any other issue identified by the  
41 council or a resident under ORS 101.112 (1).

42 (9) A resident has the right to participate in social, religious and community activities at the  
43 discretion of the resident.

44 (10) A resident has the right to be fully informed, prior to or at the time of admission and during  
45 the resident's period of residency, of services available in the continuing care retirement community,

1 whether the provider participates in the Medicare or Medicaid programs and the consequences of  
2 the participation or lack of participation by the provider in the Medicare or Medicaid programs.

3 (11) A resident has the right to refuse medication, treatment, care or participation in clinical  
4 trials or other research.

5 (12) A resident has the right to obtain treatment, care and services, including but not limited  
6 to home health and hospice care, from persons providing health care who have not entered into a  
7 contract with or are not affiliated with the provider, subject to policies of the CCRC regarding the  
8 provision of services by persons that are not under contract.

9 (13) A resident has the right to submit grievances and to suggest changes in policies and ser-  
10 vices either orally or in writing to staff or other individuals without fear of restraint, interference,  
11 coercion, discrimination or reprisal by the provider. A provider must adopt written policies and  
12 procedures for the timely resolution of a resident's grievance.

13 (14) A resident has the right to be free from harassment by other residents and to peaceful en-  
14 joyment of the CCRC without interference from other residents.

15 (15) A provider shall keep clinical and personal records of residents confidential. A resident or  
16 an authorized representative of the resident has the right to a prompt inspection of the records  
17 pertaining to the resident's care. The provider shall provide photocopies or electronic copies of a  
18 resident's records to the resident or the authorized representative at a reasonable charge.

19 (16) A resident has the right to receive notice of proposed changes in *[fees or services]* **regular**  
20 **periodic charges, fees or policies** in accordance with ORS 101.112. The provider must allow resi-  
21 dents a reasonable opportunity to comment on the proposed changes before the changes become ef-  
22 fective. **A resident has the right to the continuation of services or programs provided in the**  
23 **residency agreement at the time the resident was admitted unless the resident agrees to the**  
24 **change in accordance with section 2 of this 2025 Act.**

25 (17) A provider shall have a procedure in place for a resident to request that a staff person of  
26 a particular sex be assigned to assist the resident with activities of daily living. The provider shall  
27 accommodate the request unless the provider is unable to do so. If the provider is unable to ac-  
28 commodate the request, the provider shall notify the resident, in writing, of the reasons why the  
29 provider is unable to accommodate the request and shall maintain documentation showing why the  
30 provider cannot accommodate the request.

31 **SECTION 7. This 2025 Act being necessary for the immediate preservation of the public**  
32 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**  
33 **on its passage.**

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