LEGISLATIVE COMMITTEE MINUTES

SB281

Bill as Introduced

SB 281 - AS INTRODUCED

2022 SESSION

22-2879 05/04

SENATE BILL 281

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AN ACT relative to nursing home policies regarding notice of vacancy.

SPONSORS: Sen. Gannon, Dist 23; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Avard, Dist 12; Sen. Sherman, Dist 24; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Rep. Simpson, Rock. 36; Rep. Cushing, Rock. 21; Rep. Welch, Rock. 13; Rep. Weyler, Rock. 13; Rep. Piemonte, Rock. 4

COMMITTEE: Health and Human Services

ANALYSIS

This bill prohibits a private nursing home or assisted living facility from enforcing a 30-day notice of vacancy policy in the event of a resident's death and provides that, in such cases, the month in which the resident passes shall be the last month for which payment is due.

Explanation:Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 281 - AS INTRODUCED

22-2879 05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT

relative to nursing home policies regarding notice of vacancy.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Nursing Home Policies Regarding Notice of Vacancy. Amend RSA 151 by 2 inserting after section 25-a the following new section:

3 151:25-b Nursing Home Policies Regarding Notice of Vacancy. A private nursing home or assisted living facility, for which residents are paying out of pocket, shall not enforce a 30-day notice 4 of vacancy policy in the event of the resident's death. The month in which the resident passes shall 5 6 be considered, for the purpose of rent and fees, the last month of residency. The nursing home or 7 assisted living facility shall be entitled to rent and fees for not more than 10 days from the date of 8 the resident's death; provided that if the room is occupied by a new resident before the expiration of the 10-day period, rent and fees for the 10-day period shall be prorated from the date of such 9 10 occupancy and returned to the family, estate, or other responsible party.

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2 Effective Date. This act shall take effect 60 days after its passage.

02/03/2022 0177s

SB 281 - AS AMENDED BY THE SENATE

2022 SESSION

22-2879 05/04

SENATE BILL	281
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SB 281 - AS AMENDED BY THE HOUSE

02/03/2022 0177s 4May2022... 1335h

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2022 SESSION

22-2879 05/04

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COMMITTEE: Health and Human Services

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SB 281 - AS AMENDED BY THE HOUSE

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CHAPTER 330 SB 281 - FINAL VERSION

02/03/2022 0177s 4May2022... 1335h

2022 SESSION

22-2879 05/04

SENATE BILL 281

AN ACT relative to nursing home policies regarding notice of vacancy.

SPONSORS: Sen. Gannon, Dist 23; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Avard, Dist 12; Sen. Sherman, Dist 24; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Rep. Simpson, Rock. 36; Rep. Cushing, Rock. 21; Rep. Welch, Rock. 13; Rep. Weyler, Rock. 13; Rep. Piemonte, Rock. 4

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22-2879 05/04

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330:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 08, 2022 Effective Date: September 06, 2022 Amendments

Sen. Gannon, Dist 23 January 13, 2022 2022-0103s 05/04

Amendment to SB 281

1 Amend the bill by replacing section 1 with the following:

2

1 New Section; Nursing Home Policies Regarding Notice of Vacancy. Amend RSA 151 by
 4 inserting after section 25-a the following new section:

5 151:25-b Nursing Home Policies Regarding Notice of Vacancy. A public or private nursing home 6 or assisted living facility, for which residents are paying out of pocket shall not enforce a 30-day 7 notice of vacancy policy in the event of the resident's death. The month in which the resident passes shall be considered, for the purpose of rent and fees, the last month of residency. The nursing home 8 or assisted living facility shall be entitled to rent and fees for not more than 10 days from the date of 9 the resident's death. If there is personal property to remove that impedes the reuse of the room, the 10 10-day period shall not begin until after the family estate, or responsible party has removed the 11 12deceased person's personal property. If the room is occupied by a new resident before the expiration of the 10-day period, rent and fees for the 10-day period shall be prorated from the date of such 13 14 occupancy and returned to the family, estate, or other responsible party.

Health and Human Services January 19, 2022 2022-0177s 05/04

Amendment to SB 281

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Committee Minutes

SENATE CALENDAR NOTICE Health and Human Services

Sen Jeb Bradley, Chair Sen James Gray, Vice Chair Sen Kevin Avard, Member Sen Tom Sherman, Member Sen Rebecca Whitley, Member

Date: December 17, 2021

HEARINGS

Wednesday		01/12/2022		
(Day)		(Date)		
Health an	d Human Services	Legislative Office Building 101	9:00 a.m.	
(Name of Committee)		(Place) (Time)		
9:00 a.m.	SB 279	establishing a study committee on harm reduction prevention programs.	and overdose	
9:15 a.m.	SB 280	relative to meetings of the state health assessment and health improvement plan advisory council and the therapeutic cannabis medical oversight board.		
9:30 a.m.	SB 281	relative to nursing home policies regarding notice of	of vacancy.	
9:45 a.m.	SB 282	' relative to advertising oneself as a doctor of acupu	ncture.	
10:00 a.m.	SB 283	relative to membership of the council on autism sp and the developmental services quality council.	ectrum disorders	

EXECUTIVE SESSION MAY FOLLOW

Sponsors: SB 279 Sen. Watters Sen. Birdsell Rep. Marsh SB 280 Sen. Sherman Sen. Prentiss Rep. Woods **SB 281** Sen. Gannon Sen. Sherman Rep. Cushing SB 282 Sen. Reagan Sen. Carson Rep. McGuire SB 283 Sen. Avard Sen. Soucy

Sen. Sherman Sen. Whitley Rep. M. Pearson Sen. Rosenwald Sen. Cavanaugh Rep. Marsh Sen. Rosenwald Sen. Cavanaugh

Rep. Welch Sen. Avard Sen. Watters

Sen. Watters

Sen. Gannon

Sen. Bradley Sen. Perkins Kwoka Rep. Knirk

Sen. Hennessey Sen. Kahn Rep. M. Pearson

Sen. Watters Sen. Prentiss Rep. Weyler

Sen. French Sen. Giuda

Sen. Carson Sen. Prentiss

Cameron Lapine 271-2104

<u>Jeb Bradley</u> Chairman Sen. Rosenwald Sen. Carson Rep. Woods

Sen. Watters Rep. Knirk

Sen. Avard Rep. Simpson Rep. Piemonte

Sen. Gannon Rep. Spillane

Sen. Rosenwald Rep. Edwards

Senate Health and Human Services Committee Cameron Lapine 271-2104

SB 281, relative to nursing home policies regarding notice of vacancy.

Hearing Date: January 12, 2022

Time Opened: 9:43 a.m.

Time Closed: 9:58 a.m.

Members of the Committee Present: Senators Bradley, Gray, Avard, Sherman and Whitley

Members of the Committee Absent: None

Bill Analysis: This bill prohibits a private nursing home or assisted living facility from enforcing a 30-day notice of vacancy policy in the event of a resident's death and provides that, in such cases, the month in which the resident passes shall be the last month for which payment is due.

- Sponsors:	and any a	د المؤدمية محمدة التي المراجعين المؤلمية المرد الدينة المؤدمية المراجع المراجعين المؤلمية المرد		الإستاج المراجع وتجدم ما
Sen. Gannon		Sen. Rosenwald		. Watters
Sen. Avard	.	Sen. Sherman	Sen	. Cavanaugh
Sen. Prentiss	.]	Rep. Simpson	- Rep	. Cushing
Rep. Welch	·,]	Rep. Weyler	Rep	
	• .			金融的 的 美

Who supports the bill: Senator Bill Gannon (Senate District 23), Gary Cahoon (NH Association of Residential Care Homes), Alex Koutroubas (NH Association of Residential Care Homes), Senator David Watters (Senate District 4), Senator Sharon Carson (Senate District 14), Senator Kevin Cavanaugh (Senate District 16), Senator Kevin Avard (Senate District 12), Senator Cindy Rosenwald (Senate District 13), Senator Tom Sherman (Senate District 24), Heidi Kroll (The NH Chapter of the National Academy of Elder Law Attorneys), Teresa Rosenberger (NH Healthcare Association), Heather Carroll (NH Alliance for Healthy Aging), and Cheryl Steinberg (NHLA).

Who opposes the bill: Curtis Howland.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Senator Bill Gannon

Senate District 23

• Senator Gannon said that when his mother was reaching the end of her life, he signed a contract for a room at an assisted living facility. Once she passed, the facility told him

to keep the room for as long as possible before clearing out her effects. Senator Gannon said that the total cost was \$14,000.

- Senator Gannon said that his mother's facility had a wait list for rooms, meaning that after his mother passed and her effects were moved out there was a very short period of time before the room was occupied again. Senator Gannon said that he was able to negotiate with the facility to keep some of the money due between when he cleared out his mother's effects and the end of the month. He said that there are others who have not stood up to facilities and have lost a lot of money.
- Senator Gannon said that a 10-day process seems fair, giving the facility time to paint the room and make small repairs if needed. He said that the Nursing Home Association and the Health Care Association support SB 281.
- Senator Gannon proposed adding "public and" before "private" on Line 3 of SB 281.
 Senator Sherman asked if Senator Gannon's proposal should be "public or" rather than "public and".

o Senator Gannon agreed.

Senator Sherman said that Line 5 should use "dies" rather than "passes".

o Senator Gannon agreed.

Senator Sherman asked if the implication on Line 5 of "month" means a calendar month, not a 30-day period.

o Senator Gannon agreed.

Senator Sherman asked what the standard practice was, whether someone died on the 1st of a month or the 29th of a month.

- o Senator Gannon said that the facility in his mother's case wanted payment for
 - the full month.

Senator Sherman asked for clarification on Senator Gannon's answer.

o Senator Gannon said that SB 281 is a 10-day bill. He said that 10 days gives the

- facility time to clean, paint, and touch up a room.
- Senator Gray said in the case of his mother's passing, they were not able to remove her effects until a few days after her funeral. He asked if SB 281 should kick in 10 days after the effects are removed and the room is vacated.
 - Senator Gannon said that the nursing homes told him 10 days was sufficient time to touch up a room. He said that he was fine with the change suggested and could live with it either way.

Senator Gray said that in his mother's case, they knew the unit was paid for until the end of month so they took seven days to vacate the room, which would only leave three days under SB 281. He said that vacating the room should be what activates the SB 281 process.

- Senator Gannon said that 10 days from when the room is vacated is still a massive improvement from the current situation. He said that most rates are \$500 or \$600 per day.
- Senator Gray asked Senator Gannon to work on an amendment to SB 281.
 - o Senator Gannon said that he would work on an amendment.

Gary Cahoon and Alex Koutroubas

NH Association of Residential Care Homes

- Mr. Cahoon said that he is the owner-operator of a residential care home in New Ipswich. He said that the NH Association of Residential Care Homes met for their monthly meeting and discussed SB 281. He said that Senator Gray's suggested amendment addressed the only concern that the board had.
- Mr. Cahoon said that the board voted to support SB 281 on the principle that they shouldn't be charging dead people. He said that in most situations families refusing to vacate a unit are not a concern, although they do happen from time to time. He said it is not cost-effective for a facility to pay to remove and store someone's belongings if it is an apartment-style facility.
- Mr. Cahoon provided a draft amendment to address the board's concerns but said that Senator Gray's proposal may address those concerns better.
- Mr. Cahoon referenced Senator Sherman's question of what a month is. He said that in his practice, a month is not a calendar month but a rental month if a resident moves in on January 15th, the month runs from January 15th to February 14th.
- Senator Bradley asked Mr. Cahoon to work with Senator Gannon on an amendment.
- Senator Sherman said that the amendment proposed by Mr. Cahoon provides for the authority to charge a fee. He asked if facilities already have the authority to charge fees is residents' families do not vacate their units.
 - Mr. Koutroubas said that their written testimony showed sample contract language from a facility dealing with vacating the unit. He said that the language of the contract is actually more generous than the language in SB 281.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

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Date Hearing Report completed: January 13, 2022

Speakers

Senate Health & Human Services Committee SIGN-IN SHEET

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Date: Wednesday January 12, 2022 Time: 9:30 a.m.

SB 281 AN ACT relative to nursing home policies regarding notice of vacancy.

Name/Representing (please print neatly)

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	Support	Neutral	Oppose	Speaking?	Yes	No
Senator Bill Gannon	TY I			Spouring.	Ľ	
	Support	Neutral	Oppose	Speaking?	Yes	No
Guni Cuham Alex Kontombas					Ø	
Gun Cahoon Alex Kontombas NH Assoc. of Res. Care Homes	Support	Neutral	Oppose	Speaking?	Yes	No
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	Support	Neutral	Oppose	Speaking?	Yes	No
	Support	Neutral	Oppose	Speaking?	Yes	No
	Support	Neutral	Oppose	Speaking?	Yes	No
	Support	Neutral	Oppose	Speaking?	Yes	No
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	Support	Neutral	Oppose	Speaking?	Yes	No
	Support	Neutral	Oppose	Speaking?	Yes	No
	Support	Neutral	Oppose	Speaking?	Yes	No
	Support	Neutral	Oppose	Speaking?	Yes	No
	Support	Neutral	Oppose	Speaking?	Yes	No
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	Support	Neutral	Oppose	Speaking?	Yes	No
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Senate Remote Testify

Health and Human Services Committee Testify List for Bill SB281 on 2022-01-Support: 10 Oppose: 1

<u>Name</u>	<u>Title</u>	Representing	Position
Watters, Senator David	An Elected Official	Myself	Support
Carson, Senator Sharon	An Elected Official	Myself	Support
Cavanaugh, Senator Kevin	An Elected Official	Myself	Support
Avard, Senator Kevin	An Elected Official	, SD 12	Support
Rosenwald, Cindy	An Elected Official	SD 13	Support
Sherman, Senator	An Elected Official	SD24	Support
Kroll, Heidi	A Lobbyist	The NH Chapter of the National Academy of Elder Law Attorneys (NH-NAELA)	Support
Rosenberger, Teresa	A Lobbyist	NH Healthcare Asssociation	Support
Carroll, Heather	A Member of the Public	NH Alliance for Healthy Aging	Support
Steinberg, Cheryl	A Lobbyist	NHLA	Support
Howland, Curtis	A Member of the Public	Myself	Oppose

Testimony

Cameron Lapine

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From:Billie-Jean Greene <billiejgreene@gmail.com>Sent:Sunday, January 9, 2022 3:29 PMTo:~Senate Health and Human Services CommitteeSubject:SB281, SB 282

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I OPPOSE SB281 and SUPPORT SB282.

Thank you! Billie-Jean Greene

Bold= Suggested Amendment by the NH Association of Residential Care Homes (NHARCH)

SB 281 - AS INTRODUCED

2022 SESSION

22-2879 05/04

SENATE BILL 281

AN ACT relative to nursing home policies regarding notice of vacancy.

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COMMITTEE: Health and Human Services

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If personal property is not removed from the resident's unit, apartment, or room prior to the end of the 10-day period, the nursing home or assisted living facility, at its option, may continue to charge a fee until the personal property is removed.

2 Effective Date. This act shall take effect 60 days after its passage.

January 11, 2022

Sample contract (lease) language from a NH Assisted Living Facility

If Resident dies or Owner terminates this Agreement without cause, Resident or his/her estate shall be entitled to a prorated refund of the Monthly Fees for the month in which Unit is vacated. For purposes of this Agreement, a Unit shall be considered vacated when all of the Resident's furnishings and personal belongings have been removed (see paragraph 13).

13. <u>Abandoned Personal Property</u>. The Resident shall continue to be liable for the Monthly Fee for his/her Unit until all personal property has been removed from Unit, even though this Agreement has been previously terminated and/or Resident has personally vacated Unit. If personal property has not been removed by Resident within thirty (30) days after termination of this Agreement, Owner shall have the right to remove and dispose of all property in any manner it determines appropriate, including donation of the property to a public agency or a private charity. Resident or Resident's estate shall be liable for any costs incurred in removing the property from Unit and/or in storing it or disposing of it.

Provided by a member of the NH Association of Residential Care Homes (NHARCH)

New Hampshire Health Care Association

January 9, 2022

Hon. Jeb Bradley, Chair, and Hon. Members of the Senate Health & Human Services Committee:

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On behalf of the New Hampshire Health Care Association, representing most of the state's nursing homes, and many assisted living facilities, we support Senate Bill 281 (relative to nursing home policies regarding notice of vacancy.). It is good policy and consistent with the existing practices of our state's two largest nursing home providers as well as independent facilities we checked in with.

We would suggest a modest amendment by striking the word "private." Under the Equal Protection Clause of the U.S. Constitution there is no rational basis to allow a practice in government-owned facilities that would be disallowed in private facilities.

Thank you for your public service.

Respectfully,

Brendan W. Williams, M.A., J.D. President & CEO

cc Hon. Bill Gannon

Voting Sheets

Senate Health and Human Services Committee EXECUTIVE SESSION RECORD 2021-2022 Session

Hearing date: 1/12/22

Bill # 5B 28

Executive Session date: 1/19/22

Motion of: Amen Left 01035	+ "Dies" on	Line 7	Vote:5-0	
Committee Member Sen. Bradley, Chair	Present	Made by	Second Yes No	
Sen. Gray, Vice Chair	N N			house
Sen. Avard	X	Ā		
Sen Sherman	Z			
Sen. Whitley	X			
			1	
Motion of: OTPA			Vote: <u>5-0</u>	
Committee Member	Present	Made by		
Sen. Bradley, Chair				
Sen. Gray, Vice Chair				
Sen. Avard				
Sen. Sherman	- X			104.795
Sen. Whitley				-** ^{\$}
Cart			Vote:5-0	
Motion of: Consent			$_$ Vote: $\int 0^{-}$	
Committee Member	Present	Made by	Second Yes No	
Sen. Bradley, Chair				
Sen. Gray, Vice Chair				
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Sen. Avard				,
Sen. Avard Sen. Sherman	X X X X X X X			
Sen. Avard	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX			An original and a second
Sen. Avard Sen. Sherman Sen. Whitley Reported out by: Sen. Avac	NXXX F			service generation of the service and the serv
Sen. Avard Sen. Sherman Sen. Whitley	A NXXX M			server and a server a ser
Sen. Avard Sen. Sherman Sen. Whitley Reported out by: Sen. Avac	A Name A			the other sector and the sector and

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE FOR THE CONSENT CALENDAR

Thursday, January 20, 2022

THE COMMITTEE ON Health and Human Services

to which was referred SB 281

AN ACT

relative to nursing home policies regarding notice of vacancy.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0177s

Senator Kevin Avard For the Committee

SB 281 prohibits a public or private nursing home or assisted living facility from enforcing a 30-day notice of vacancy policy in the event of a resident's death and provides that, in such cases, the month in which the resident passes shall be the last month for which payment is due. As was stated at the hearing on this bill, it is wrong as a principle to charge dead people. The Committee Amendment clarifies the timeline for a family to vacate a unit before the bill's provisions take effect, as well as uses the more correct "dies" rather than "passes".

Cameron Lapine 271-2104

FOR THE CONSENT CALENDAR

HEALTH AND HUMAN SERVICES

SB 281, relative to nursing home policies regarding notice of vacancy. Ought to Pass with Amendment, Vote 5-0. Senator Kevin Avard for the committee.

SB 281 prohibits a public or private nursing home or assisted living facility from enforcing a 30day notice of vacancy policy in the event of a resident's death and provides that, in such cases, the month in which the resident passes shall be the last month for which payment is due. As was stated at the hearing on this bill, it is wrong as a principle to charge dead people. The Committee Amendment clarifies the timeline for a family to vacate a unit before the bill's provisions take effect, as well as uses the more correct "dies" rather than "passes".

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General Court of New Hampshire - Bill Status System

Docket of SB281

Docket Abbreviations

Bill Title: relative to nursing home policies regarding notice of vacancy.

Official Docket of SB281.:

Date	Body	Description
12/14/2021	S	To Be Introduced 01/05/2022 and Referred to Health and Human Services; SJ 1
12/17/2021	S	Hearing: 01/12/2022, Room 101, LOB, 09:30 am; SC 50
1/26/2022	S	Committee Report: Ought to Pass with Amendment #2022-0177s , 02/03/2022; Vote 5-0; CC; SC 5
2/3/2022	S	Committee Amendment #2022-0177s , AA, VV; 02/03/2022; SJ 2
2/3/2022	S	Ought to Pass with Amendment 2022-0177s, MA, VV; OT3rdg; 02/03/2022; SJ 2
3/23/2022	Н	Introduced 03/17/2022 and referred to Health, Human Services and Elderly Affairs
3/29/2022	Н	Public Hearing: 04/05/2022 11:05 am LOB 205-207
4/22/2022	н	Executive Session: 04/05/2022 11:05 am LOB 205-207
4/22/2022	н	Committee Report: Ought to Pass with Amendment #2022-1335h (Vote 20-0; CC)
5/4/2022	Н	Amendment # 1335h: AA VV 05/04/2022 HJ 11
5/4/2022	н	Ought to Pass with Amendment 1335h: MA VV 05/04/2022 HJ 11
5/12/2022	S	Sen. Bradley Moved to Concur with the House Amendment, MA, VV; 05/12/2022; SJ 12
6/7/2022	Н	Enrolled (in recess of) 05/26/2022 HJ 14
6/6/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
7/13/2022	S	Signed by the Governor on 07/08/2022; Chapter 0330; Effective 09/06/2022

NH House

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NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: <u>SB J8</u>

Senate Committee: HHS

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	include all documents in the order lied with an "X" beside	isted below and indica	te the documents wh	ich have been
X	Final docket found on Bill Status	••• •	•	•
<u>Bill H</u>	earing Documents: {Legislative A	Aides)		
X	Bill version as it came to the comm	ittee		•
X	All Calendar Notices		•	-
XX	Hearing Sign-up sheet(s)	,	21	
X	Prepared testimony, presentations,	& other submissions	handed in at the pul	lic hearing
<u>X</u> .	Hearing Report			
	Revised/Amended Fiscal Notes pro	vided by the Senate Cl	erk's Office	:
<u>Comn</u>	<u>uittee Action Documents: {Legisl</u>	ative Aides}		· · ·
All am	endments considered in committee (including those not ad	opted):	•
	X - amendment # 01035	amendment #		•
	X - amendment # 01775	amendment #		
X	Executive Session Sheet	-1.	, ¹	
\mathbf{X}	Committee Report			
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-	or amendments considered by the bo		y if they are offered (o the senate):
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<u> </u>	Committee of Conference Report (if by the committee of conference):	f signed off by all mem	bera. Include any ne	w language proposed
	Enrolled Bill Amendment(s)			
•	Governor's Veto Message		· · ·	
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<u>All av</u>	ailable versions of the bill: {Cler	~ /		•
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