

§6201. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1987, c. 482, §1 (NEW).]

1. Actuary. "Actuary" means a member of the American Academy of Actuaries who is also a member of the Society of Actuaries or the Casualty Actuarial Society and is qualified to sign a statement of actuarial opinion.

[PL 1987, c. 482, §1 (NEW).]

2. Continuing care. "Continuing care" means furnishing shelter for the life of the individual or for a period in excess of one year and either health care, supportive services, or both, under an agreement requiring prepayment as defined in subsection 12, whether or not the shelter and services are provided at the same location, to 3 or more older individuals not related by blood or marriage to the providers.

[PL 1987, c. 482, §1 (NEW).]

3. Continuing care agreement. "Continuing care agreement" means the contract or contracts which create the obligation to provide continuing care, including, but not limited to, mutually terminable contracts.

[PL 1987, c. 482, §1 (NEW).]

4. Department. "Department" means the Department of Health and Human Services.

[PL 1987, c. 482, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

5. Entrance fee. "Entrance fee" means an initial payment of a sum of money or any other consideration that assures a subscriber a place in a facility for a term of years or for life. An accommodation fee, admission fee, entrance loan or other fee of similar form and application, even if refundable in whole or in part at the termination of the subscriber's contract, is considered to be an entrance fee. The purchase price of a condominium, or of a share or shares of or membership in, a consumer cooperative subject to Title 13, chapter 85, subchapter I or a cooperative affordable housing corporation subject to Title 13, chapter 85, subchapter I-A is not considered an entrance fee.

[PL 1995, c. 452, §2 (AMD).]

6. Facility. "Facility" means a physical plant in which continuing care is provided in accordance with this chapter.

[PL 1987, c. 482, §1 (NEW).]

7. Fiscal year. "Fiscal year" means the provider's fiscal year.

[PL 1987, c. 482, §1 (NEW).]

8. Health care. "Health care" means the provision of any one or more of the following services:

A. Physician services; [PL 1987, c. 482, §1 (NEW).]

B. Home health services; [PL 1987, c. 482, §1 (NEW).]

C. Access to or provision of nursing home care; or [PL 1987, c. 482, §1 (NEW).]

D. Hospital care. [PL 1987, c. 482, §1 (NEW).]

[PL 1987, c. 482, §1 (NEW).]

9. Home health services. "Home health services" means those services performed by home health care providers required to be licensed under Title 22, chapter 419.

[PL 1987, c. 482, §1 (NEW).]

10. Maintenance fee. "Maintenance fee" means any fee which a subscriber is required to pay to the provider on a regular basis to cover the cost of shelter, health care or supportive services, or any combination thereof, provided to the subscriber.

[PL 1987, c. 769, Pt. A, §101 (AMD).]

11. Operational facility. "Operational facility" means a facility for which the provider has obtained a final certificate of authority from the superintendent and 60% of the residential units are occupied by subscribers.

[PL 1987, c. 482, §1 (NEW); PL 1989, c. 343, §1 (AMD); PL 1989, c. 343, §23 (AFF).]

11-A. Preliminary marketing. "Preliminary marketing" means, for the purpose of evaluating market demand for a proposed facility:

A. Advertising of a proposed facility; [PL 1995, c. 452, §3 (NEW).]

B. Entering of reservation agreements, which are cancelable at the option of either the prospective subscriber or the prospective provider; [PL 1995, c. 452, §3 (NEW).]

C. Soliciting, collecting or receiving reservation fees, which:

(1) Are sums of money not in excess of \$1,000 per prospective resident paid by a prospective resident for deposit in escrow in an interest-bearing account with interest accruing for the benefit of the prospective resident and in accordance with section 6203-B, subsection 1, paragraphs A, C, D, E and F;

(2) Are refundable on request of a prospective subscriber; and

(3) Are not considered deposits for purposes of this chapter; and [PL 1995, c. 452, §3 (NEW).]

D. Constructing and maintaining a sales office and model units. [PL 1995, c. 452, §3 (NEW).]
[PL 1995, c. 452, §3 (NEW).]

12. Prepayment. "Prepayment" means funding shelter, supportive services or health care entirely or in part by entrance fees or by maintenance fees paid more than one year prior to the time the shelter or service is rendered. Prepayment of health care also includes funding by entrance fees or by maintenance fees which do not vary with the level of care provided.

[PL 1987, c. 482, §1 (NEW).]

13. Provider. "Provider" means the owner of an institution, building, residence or other place, whether operated for profit or not, in which the owner undertakes to provide continuing care. If the facility is owned by the subscribers, then "provider" means the operator of the facility.

[PL 1995, c. 452, §4 (AMD).]

14. Records. "Records" means the financial and other information and personnel data maintained by the provider for the proper operation of the facility pursuant to this chapter.

[PL 1987, c. 482, §1 (NEW).]

14-A. Residential unit.

[PL 1989, c. 343, §2 (NEW); PL 1989, c. 343, §23 (RP).]

14-B. Residential unit. "Residential unit" means an apartment, room or other area within a facility set aside for the exclusive and independent living use of one or more identified subscribers.

[PL 1995, c. 452, §5 (NEW).]

15. Subscriber. "Subscriber" means a purchaser or beneficiary of a continuing care agreement.

[PL 1987, c. 482, §1 (NEW).]

16. Supportive services. "Supportive services" means providing assistance in the activities of daily living or other social services, or both. Supportive services does not refer to services of the type commonly provided to tenants in a conventional apartment building.

[PL 1987, c. 769, Pt. A, §101 (AMD).]

17. Superintendent. "Superintendent" means the Superintendent of Insurance.

[PL 1987, c. 482, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 482, §1 (NEW). PL 1987, c. 769, §A101 (AMD). PL 1989, c. 343, §§1,2,23 (AMD). PL 1995, c. 452, §§2-5 (AMD). PL 2003, c. 689, §B6 (REV).

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