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SENATE BILL 275

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Stuart Ingle

AN ACT

RELATING TO HEALTH CARE; REQUIRING CONTRACTS FOR NURSING HOME SERVICES TO CONTAIN A REFUND POLICY UPON TERMINATION OF A CONTRACT DUE TO THE DEATH OF THE RESIDENT; PROVIDING FOR STORAGE OF A RESIDENT'S BELONGINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Health Act is enacted to read:

"[NEW MATERIAL] NURSING HOME CONTRACTS--LIMIT ON CHARGES AFTER RESIDENT DEATH.--

A. The contract for each resident of a nursing home shall include a refund policy to be implemented at the time of a resident's death. The refund policy shall provide that the resident's estate or responsible party is entitled to a prorated refund based on the calculated daily rate for any

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1 unused portion of payment beyond the termination date after all  
2 charges have been paid to the licensee. For the purpose of  
3 this section, the termination date shall be the date the unit  
4 is vacated by the resident due to the resident's death and  
5 cleared of all personal belongings.

6 B. If a resident's belongings are not removed  
7 within one week of the resident's death and the amount of  
8 belongings does not preclude renting the unit, the facility may  
9 clear the unit and charge the resident's estate for moving and  
10 storing the items at a rate equal to the actual cost to the  
11 facility, not to exceed ten percent of the regular rate for the  
12 unit; provided that the responsible party for the resident is  
13 given notice at least one week before the resident's belongings  
14 are removed. If the resident's belongings are not claimed  
15 within forty-five days after notification, the facility may  
16 dispose of them.

17 C. For the purposes of this section, "nursing home"  
18 means any nursing institution or facility required to be  
19 licensed under state law as a nursing facility by the public  
20 health division of the department of health, whether  
21 proprietary or nonprofit, including skilled nursing home  
22 facilities, and whether a separate entity or a part of a  
23 medical institutional facility."

24 SECTION 2. APPLICABILITY.--The provisions of this act  
25 apply to contracts entered into or renewed after July 1, 2012.

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