

Sec. 17b-533-1. Definitions

As used in Section 17b-533-1 to Section 17b-533-11, inclusive:

(a) **Continuing-care contract** means:

(1) An agreement pursuant to which a provider undertakes to furnish to a person not related by consanguinity or affinity to the provider, shelter and medical or nursing services or other health-related benefits for the life of a person or for a period in excess of one year, and which requires a present or future transfer of assets, or an entrance fee in addition to or instead of periodic charges, and the amount of the assets required to be transferred or the entrance fee is equal to or in excess of twenty thousand dollars.

(2) Notwithstanding the amount of assets or entrance fee, all contracts through which continuing-care is offered at a facility offering any “continuing-care contract” as hereinabove defined, shall be included in that definition.

(3) Contracts involving usual and customary leaseholds, and for conveyances of ownership interests, including condominiums, which are freely transferable and which constitute security for the purchaser’s payment, shall not be deemed to constitute continuing-care contracts.

(b) **Act** means P.A. 86-252, an Act concerning management of continuing-care facilities (C.G.S. Sec. 17a-360 et seq.)

(c) **Commissioner** means the commissioner on aging.

(d) **Committee** means the advisory committee established by the C.G.S. 17b-535.

(e) **Continuing care retirement community** means the actual or proposed site or sites at which services or care are to be provided in accordance with a continuing care contract.

(f) **Disclosure statement** means the documents required to be filed with the department by either by the Act, or these regulations, or provided to a prospective purchaser or resident.

(g) **Escrow Agent** means a financial institution authorized to conduct business in this State, which has a fiduciary relationship with a provider, for the purpose of meeting the requirements of the Act and of these regulations.

(h) **Legal representative** means an attorney, guardian, conservator, or any other person including a family member, designated by a resident or potential future resident as his or her representative.

(i) **Medical or nursing services or other health-related benefits** means services or benefits to which a resident becomes contractually entitled as a result of a transfer of assets, payment of the entrance fee or of the periodic charges, or purchased for a fee in addition to a transfer of assets, an entrance fee, or periodic charges. These services or benefits include the following when a facility or service is licensed pursuant to C.G.S. Sec. 19a-490, et seq.:

Hospital care;

Home health care by a Home Health Care Agency, or Homemaker-Home Health Aide Agency; and

Care in a Nursing Home, or priority access to a nursing home.

(j) **Offer** means an offer through either personal, telephone or mail contact or other communication directed to or received by a person at a location within this state as an inducement, solicitation, or attempt to encourage a person to enter into a continuing-care contract and shall include any paid advertisement published or broadcast within this state, except for advertisements in periodicals where more than two-thirds of the circulation is

outside this state.

The term “offer” shall not include marketing or feasibility studies, or any communication with an individual at the request of, or initiated by, that individual in regard to a continuing-care contract not intended to be performed within this state.

In regard to proposed facilities, the term “offer” shall not include options, or rights of first refusal involving consideration of one thousand dollars or less, provided that any such funds are (1) Either maintained in a passbook or equivalent account in the name of the prospective resident, or in an escrow account established with a financial institution solely for the purpose of holding such funds, (2) returnable to the individual upon demand, together with accrued interest thereon, by transfer of the passbook or otherwise, and the prospective resident is made fully aware of the foregoing provisions, by means which shall include contrasting, prominent type, setting forth the essence of these provisions in every option document.

(k) **Reasonable charge** means either the amount specified in a continuing-care contract or disclosure statement or, in the absence of being specified, a fee based upon actual costs in time, expense, overhead, etc. of selling or re-selling a continuing-care contract in regard to a specific dwelling unit at a facility.

(Effective January 31, 1996)