

**DRAFTED BY THE LEGISLATIVE SUB-COMMITTEE OF THE PENNSWOOD VILLAGE ELDERCARE
DISCUSSION GROUP (2024)**

Bill of Rights for PA Residents of non-profit and profit CCRCs (to be an amendment to current PA Law 1984 Act 82; the Continuing Care Provider Registration and Disclosure Act 40 P.S. §§ 3201-3225; and/or Chapter 151, 15 Pa.B. 1051).

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It is the policy of the Commonwealth that residents of CCRCs must be given the right to:

- 1) Establish, organize, fund, and develop by-laws for, and to operate a residents' association whose purposes include, but are not limited to, representing the interests of the residents to the administration and to the corporate governing board of the CCRC.
- 2) Participate directly in the governance of the residents' association through communication, discussion, and decision-making in open meetings, through membership in association committees, and through the election of officers and members of the residents' association's own board of directors.
- 3) Freely assemble, with or without the participation of management and staff, as the residents in their judgment deem advisable, to enhance communication and information-sharing among residents and to promote active learning and discussion of issues facing the community.
- 4) Select, in accordance with the residents' association's own by-laws, at least three resident members of the CCRC and recommend to the corporate governing board their appointment who then as full-fledged board members, will have rights and duties commensurate with non-resident members of that board. CCRC residents have the right to receive quarterly reports from the association-appointed corporate governing board members about the board's deliberations, actions, and policies. Residents have a right to a corporate governing board every member of which acknowledges their fiduciary responsibility to the residents. Residents have the right to see the minutes of the corporate board's meetings. Residents shall receive formal quarterly in-person reports from the governing board for the purpose of free discussion of subjects which may include income, expenditures and financial matters as they apply to the facility and proposed changes in policies, programs and services. Residents shall be entitled to at least seven days' notice of each quarterly meeting and any extraordinary meeting that may be called in the interim.
- 5) Receive full disclosure of the finances of the corporation, presented at least on an annual basis. In cases where a community is a member of a consortium of communities, residents have the right to be fully informed of the finances both of their local community and the parent corporation. CCRC residents have the right to receive annual written reports from a duly certified actuary affirming that sufficient funds are being set aside for the future likely needs of the population. Residents have the right to be

informed well in advance if any sale of the community to another operator or provider comes under consideration.

- 6) Be informed at least a month in advance of implementation and have the opportunity to comment to management and to the corporate governing board before any changes in fees or charges or the scope of care or services may be effective, except for changes required by State or Federal assistance programs. Residents have a right to hear the criteria upon which management is recommending changes.
- 7) Request a plain English language list of those services guaranteed by the contract between the resident and CCRC, as well as a list of those services offered by the CCRC but not guaranteed in the contract (and which therefore may be modified or withdrawn at the discretion of the management or corporate governing board). Such list shall be provided to all prospective residents prior to being asked to sign the contract.
- 8) Be free of discrimination and disrespect in all the benefits of living in the CCRC including all the services and amenities on offer and all regulations applying to community life regardless of a resident's race, color, religious creed, disability, economic status, professional background, ancestry, sexual orientation, national origin, age or sex, past or present advocacy of issues and policies applying to community life and governance, past or present activism in the polity outside of the retirement community, or past or present service on boards or committees.
- 9) Raise issues concerning their own well-being, their quality of life, and the sufficiency of their involvement in community life and governance, and to advocate openly for issues of concern to them to be discussed and dealt with by the residents' association, the administration and the governing board, as appropriate, or to file complaints, grievances or appeals without fear of punishment, intimidation, retaliation or threat of expulsion
- 10) Pursue legal redress against the corporation if residents feel that any of these declared above-mentioned rights have been abridged or abrogated.