

Talking Paper:

**Bill of Rights (Draft)
For Residents of
Continuing Care Retirement Communities**

1. When entering a Continuing Care Retirement Community (CCRC), residents continue to enjoy all the protections of the United States Constitution and the constitution of the state in which they reside. The rights enumerated in this document apply these constitutional principles to the specific circumstances of CCRC life, and address certain additional respects in which protections not enumerated in these overarching documents need to be established in the interests of justice for CCRC residents.
2. The residents have the right to establish, organize, fund, develop by-laws for, and operate a resident association whose purposes can include, but are not limited to:
 - a. representing the interests of the residents to the administration and the CCRC's corporate governing board;
 - b. enhancing communications and information-sharing among residents, as well as among residents, the management, and the corporate governing board;
 - c. promoting residents' active learning about and discussion of important issues facing the CCRC community;
 - d. enabling resident participation in the decision-making which affects their lives and their investment;
 - e. establishing, facilitating, supervising, and funding resident activities carried out through resident committees and other resident groups.
3. CCRC residents have the right freely to assemble, with or without the participation of management and staff, as the residents in their judgement deem advisable.
4. CCRC residents have a right to select and appoint, in accordance with the resident association's own by-laws, 20% of the CCRC's corporate governing board, who, as full-fledged board members, have rights and duties commensurate with the other board members, as well as being specifically responsible for representing resident interests. CCRC residents have the right to receive regularly scheduled reports from the association-appointed corporate governing board members about the board's deliberations, actions and policies.
5. CCRC residents have the right to be informed by the administration, on an ongoing basis, about all significant issues of management which directly affect residents' well-

being or their financial investment, or any issues about which residents are concerned, limited only by necessary and explicitly defined policies of confidentiality and privacy. Residents have the right to transparency in being informed in all matters of governance, except in cases where the need for confidentiality is explicitly defined and justified.

6. Full disclosure to the residents of the finances of the corporation, presented at least on an annual basis, is an obligation of management. 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 of the parent corporation. CCRC residents have the right to receive periodic written reports from a duly certified actuary affirming that sufficient funds are being set aside for the future likely needs of the resident population.
7. A plain English list of those services guaranteed by the contract, as well as a list of those services offered by the CCRC but not guaranteed in the contract (and that therefore may be modified or withdrawn at the discretion of the management or corporate governing board), should be provided to all prospective residents prior to their being asked to sign the contract.
8. Prospective residents have the right to visit the assisted living and skilled nursing facilities, as well as all the amenities associated with independent living, before signing a contract.
9. CCRC residents have the right to be informed in advance of, and to comment on, changes in the delivery of services, including changes in staffing levels in its administrative and service departments and changes in staff credentialing requirements in areas such as health care, food service, and facilities maintenance.
10. Residents have the right to be informed at least a month in advance of implementation of any changes in fees, and have the right to comment on these to management and to the governing board.
11. CCRC residents have the right to 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 resident association's own board of directors.
12. CCRC residents have the right to 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.
13. So long as they do not impact negatively on the lives of others, violate the law, interfere

with other activities in community space and facilities, or require resident association funds, CCRC residents have the right to start up and operate informal activities of any kind.

14. CCRC residents have the right to organize and seek resident association recognition of a new committee or other resident activity that wishes to be scheduled in community facilities and/or wishes to use resident association funds.
15. All the benefits of living in community, including all the services and amenities on offer, and all regulations applying to community life, must be provided and enforced impartially and without prejudice, regardless of a resident's age, gender, race, economic status, professional background, sexual orientation, 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.
16. On initial move-in, a resident has the right to select, based on availability and the resident's financial qualifications, an independent living apartment of the resident's choice and to appoint and furnish it to the resident's taste, within the provisions of the life-care contract and fire and safety regulations.
17. When a permanent move to an assisted living facility or a skilled nursing care unit becomes an issue, a resident has the right to participate, as fully and meaningfully as the resident is able, in making the decision for such a move. Family members designated by the resident have the right to be kept informed of the residents' condition and care plan. Residents or their designated medical proxies have the right to refuse medications and treatments.

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