

IC 12-10-15-9

Housing with services establishment contracts

Sec. 9. (a) Each resident or the resident's representative must be given a complete copy of the contract between the establishment and the resident or the resident's representative and all supporting documents and attachments and any changes whenever changes are made.

(b) A housing with services establishment contract must include the following elements in the contract or through supporting documents or attachments in clear and understandable language:

(1) Name, street address, and mailing address of the housing with services establishment.

(2) The name and mailing address of the owner or owners of the housing with services establishment and, if the owner or owners are not natural persons, identification of the type of business entity of the owner or owners.

(3) The name and mailing address of the managing agent, through management agreement or lease arrangement, of the establishment, if different from the owner or owners.

(4) A statement describing the disclosure document and licensure status, if any, of the housing with services establishment and any person providing health related services or supportive services under arrangement with the operator.

(5) The term of the contract.

(6) A description of the services to be provided to the resident in the base rate to be paid by the resident or on the resident's behalf.

(7) A description of any additional services available for an additional fee from the housing with services establishment directly or through arrangements with the establishment.

(8) The fee schedules outlining the cost of any additional services.

(9) A description of the process through which the contract may be modified, amended, or terminated.

(10) A description of the housing with services establishment's complaint resolution process available to the residents.

(11) The resident's designated representative, if any.

(12) The housing with services establishment's referral procedures if the contract is terminated.

(13) The criteria used by the housing with services establishment to determine who may continue to reside in the establishment. The criteria must address the following:

(A) When a resident must be transferred because the establishment and the resident are unable to develop a means for assuring that the resident is able to respond to an emergency in a manner that is consistent with local fire and safety requirements.

(B) When the establishment is unable to assure that the resident's physical, mental, and psychosocial needs can be met.

(14) A description of the process for assuring that the resident's needs are assessed on admission and periodically thereafter in conjunction with the resident and the resident's representative and for assuring that the resident's physical, mental, and psychosocial needs are met within the terms of the contract criteria for residence provided under subdivision (13).

(15) The billing and payment procedures and requirements.

(c) The housing with services establishment contract must state that:

(1) except as stated in the contract, residency in the housing with services establishment may not be terminated due to a change in a resident's health or care needs;

(2) the ability of a resident to engage in activities away from the establishment regardless of the time, duration, and distance of the activities may not be restricted;

(3) except to protect the rights and activities of other residents, the housing with services establishment may not restrict the ability of the resident to have visitors and to receive family members and guests; and

(4) except as stated in the contract and identified in the disclosure document, an operator may not:

(A) restrict the ability of a resident to use a home health agency, home health provider, or case management service of the resident's choice; or

(B) require a resident to use home health services.

(d) Except where the resident's health or safety or the health or safety of others are endangered, an operator shall provide at least thirty (30) days notice to the resident or the resident's designated representative before terminating the resident's residency.

As added by P.L.73-1998, SEC.7.