

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number 2022-44

Rule Number He-E 605

<p>1. Agency Name & Address:</p> <p>NH Dept. of Health & Human Services Division of Long Term Supports and Services Bureau of Elderly & Adult Services 105 Pleasant St., Main Bldg. Concord, NH 03301</p>	<p>2. RSA Authority: <u> RSA 161-J:5 </u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption <u> X </u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Standard Disclosure Summary**

6. (a) Summary of what the rule says and of any proposed amendments:

The Department of Health and Human Services (Department) is proposing to adopt He-E 605 regarding standard disclosure summary for housing for older persons. Pursuant to RSA 161-J:5, the Department proposes to adopt He-E 605 Form 3540 “Financial Disclosure Form”, to help providers of housing for older persons better inform residents of the details of the residential service agreement.

6. (b) Brief description of the groups affected:

Older persons residing or considering residing in assisted living residences, independent living retirement communities and housing for older persons in accordance with RSA 161-J.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

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Rule	Specific State or Federal Statutes or Regulations the Rule Implements
He-E 605.01	RSA 161-J:1
He-E 605.02	RSA 161-J:3
He-E 605.03 (a)-(h)	RSA 161-J:2
He-E 605.03(i)	RSA 161-J:5
He-E 605.04	RSA 161-J

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Nicole Burke**

Title: **Rules Coordinator –
Administrative Rules Unit**

Address: **Dept. of Health and Human Services
Administrative Rules Unit
129 Pleasant Street, 2nd Floor
Concord, NH 03301**

Phone #: **(603) 271-9640**

Fax#: **(603) 271-5590**

E-mail: Nicole.V.Burke@dhhs.nh.gov

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, April 25, 2022**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, April 18, 2022 at 10:00 am**

Place: [**DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**](#)

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 22:036, dated 3/10/2022

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable, as the rules expired in January 2022.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed rules describe the standard disclosure summary form provided to older persons considering various housing options. There is no difference in cost when compared to either the expired rule or to the absence of a rule.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties, or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Adopt He-E 605, previously effective 1/1/12 (Document #10051), and expired 1/1/22, cited and to read as follows:

CHAPTER He-E 600 SOCIAL SERVICES

PART He-E 605 STANDARD DISCLOSURE SUMMARY

He-E 605.01 Purpose. In accordance with RSA 161-J, the purpose of these rules is to describe the Standard Disclosure Summary form that enables a prospective resident of an assisted living residence, independent living retirement community, or other housing for older persons to make informed choices and comparisons of the respective or prospective residential options in accordance with RSA 161-J.

He-E 605.02 Scope. He-E 605 shall apply to assisted living residences, independent living retirement communities and housing for older persons in accordance with RSA 161-J.

He-E 605.03 Definitions.

- (a) “Assisted living residence” means “assisted living residence” as defined in RSA 161-J:2, II.
- (b) “Base rate” means the amount charged by a residence to a resident for housing and included services as described in RSA 161-J:4, II(a).
- (c) “Housing for older persons” means “housing for older persons” as defined in RSA 161-J:2, III.
- (d) “Independent living retirement community” means “independent living retirement community” as defined in RSA 161-J:2, III-a. This term does not include continuing care communities or condominiums in accordance with RSA 161-J: 3.
- (e) “Personal assistance” means “personal assistance” as defined in RSA 161-J:2, IV.
- (f) “Representative” means “representative” as defined in RSA 161-J:2, V.
- (g) “Residence” means “residence” as defined in RSA 161-J:2, VI.
- (h) “Resident” means “resident” as defined in RSA 161-J:2, VII.
- (i) “Standard disclosure summary” means information that a residence or independent retirement community provides to a prospective resident regarding the costs and the services options provided by the residence in accordance with RSA 161-J:4, II(j) and RSA 161-J:5.

He-E 605.04 Completion of the Standard Disclosure Summary.

(a) Each resident, prospective resident or his/her representative shall be given a standard disclosure summary by the residence in accordance with RSA 161-J:4 prior to beginning residency in an assisted living residence, independent living retirement community, or other housing for older persons.

(b) Residences and independent living retirement communities shall utilize Form 3540 entitled “Financial Disclosure Form” (6/2022) provided by the department in accordance with RSA 161-J:4, II(j), and:

- (1) The Standard Disclosure Summary form shall be the cover sheet for the residential services agreement described in RSA 161-J:4(j); and
- (2) No alteration or amendment shall be made to the content of the Standard Disclosure Summary form with the exception of the insertion of the name of the residence.

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