



SPONSOR: Sen. Mantzavinos & Rep. K. Johnson
Reps. Ross Levin, Kamela Smith, Snyder-Hall

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 196
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO LONG-TERM CARE FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 11, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1102. Definitions.

() “Affiliate” means a person, as defined in § 302 of Title 1, who directly or indirectly through 1 or more intermediaries, controls or is controlled by, or is under common control with, a specified entity or person.

() “Facility owner” means any person with direct or indirect ownership or controlling interest in a long-term care facility of 5% or more.

§ 1108. Posting of inspection summary and other information and public meetings.

(e) A long-term care facility must disclose, in the manner and form determined by the Department, the Facility Owner of the long-term care facility, including all controlling persons of an entity or affiliate that is not a publicly traded corporation or nonprofit corporation. A long-term care facility must update this disclosure within 30 calendar days of any change to the information previously disclosed.

(f) The Department shall publish the disclosed information of the current facility owner, including any controlling persons, of each long-term care facility on the Department’s website.

(g) A long-term care facility must prominently and conspicuously post the current facility owners of the long-term care facility on the long-term care facility’s website. Any printed informational brochures that are provided and used in direct consultation with potential residents and their families must include a statement directing recipients of the materials to the website of the long-term care facility and to the Department’s website for information about the ownership of the long-term care facility.

§ 1108A. Required disclosure for transfer of ownership.

(a) In addition to required Modification of Ownership and Control paperwork, the proposed new facility owner of a long-term care facility must disclose to the Department, in the manner and form determined by the Department, information related to any other licensed long-term care facilities owned by the proposed new facility owner, or any affiliates of the proposed new facility owner, seeking to assume ownership of the long-term care facility, including:

(1) Any licensed long-term care facility owned, operated, or managed by the proposed new facility owner, or any affiliates of the proposed new facility owner, in any state or territory of the United States or in the District of Columbia in the preceding year.

(2) Any disciplinary actions related to a material risk to the health, safety, or welfare of a resident imposed during the preceding year against any facility owned, operated, or managed by the proposed new facility owner or any affiliates of the proposed new facility owner in any jurisdiction.

(b) Within 30 days of receiving approval of the required Modification of Ownership and Control paperwork from the Department, the current facility owner of the long-term care facility must disclose to each current resident of the long-term care facility and, if applicable, each authorized representative of a current resident of the long-term care facility the following information:

(1) The name of the proposed new facility owner of the long-term care facility.

(2) Any licensed long-term care facility owned, operated, or managed by the proposed new facility owner, or any affiliates of the proposed new facility owner, in any state or territory of the United States or in the District of Columbia in the preceding year.

(3) Any disciplinary actions related to a material risk to the health, safety, or welfare of a resident imposed during the preceding year against any facility owned, operated, or managed by the proposed new facility owner or any affiliates of the proposed new facility owner in any jurisdiction.

(c) Within 30 days of the Department's issuance of a new license under the new facility owner, the new facility owner must provide a second notice to each current resident of the long-term care facility, and, if applicable, each authorized representative of a current resident, confirming the information required under subsection (b) of this section and the effective date of the transfer of ownership.

(d) This section does not apply to the transfer of ownership of a long-term care facility when either of the following apply:

(1) A binding agreement of sale has been executed prior to [the effective date of this Act].

(2) An application for licensure, change of ownership, or other required regulatory approval has been submitted to the Department prior to [the effective date of this Act].

