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Prepare for Changes Under New Mexico Senate Bill 152

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On April 5, 2021, the Governor of New Mexico signed Senate Bill 152 (SB152) into law. SB 152 amends the Continuing Care Act (Section 24-17-4 NMSA 1978, (the Act) to address issues that have arisen involving the solvency of Continuing Care Communities, with little or no equity to cover shortfalls, and the disproportionate impacts that occur from the need to relocate residents on very short notice.

A continuing care community under the Act includes a “retirement home, retirement community, home for the aged or other place that undertakes to provide continuing care.”

Major provisions of the SB 152 include, effective June 18, 2021:

- requiring “**comprehensive**” actuarial analysis for type A and type B agreements;
- requiring Continuing Care Community contracts to contain a provision that describe the community's plan for resident relocation upon closure or circumstances that necessitate relocation;
- requiring each facility to submit a disclosure statement regarding the same to the Aging and Long-Term Services Department (ALTSD) no later than July 1, 2022 and each year thereafter, within 180 days after the end of a community's fiscal year.

In addition, both the New Mexico Attorney General and the ALTSD now have authority to review disclosure statements filed pursuant to the Continuing Care Act for compliance with the Act, and to investigate any reported violations of the Act.