*** § 4651. Definitions.** As used in this article:

2. "Certificates" or "certificate of authority" shall mean an authorization in writing, approved and issued by the commissioner, for an operator to operate a fee-for-service continuing care retirement community and to enter into fee-for-service continuing care contracts pertaining to such community.

3. "Community" shall mean a fee-for-service continuing care retirement community established pursuant to this article.

4. "Control", "controlling", "controlled by", and "under common control with" shall mean the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities or voting rights, by contract (except a commercial contract for goods or non-management services) or otherwise; but no person shall be deemed to control another person solely by reason of his or her being an officer or director of such other person. Control shall be presumed to exist if any person directly or indirectly owns, controls or holds with the power to vote ten percent or more of the voting securities or voting rights of any other person or is a corporate member of the legal entity.

5. "Council" shall mean the continuing care retirement community council, established pursuant to section forty-six hundred two of this chapter.

6. "Entrance fee" shall mean an initial or deferred transfer to an operator of a sum of money, made or promised to be made by a person or persons entering into a fee-for-service continuing care contract, for the purpose of ensuring services pursuant to such a contract.

7. "Facility" shall mean any place in which an operator undertakes to provide a resident with the services of a fee-for-service continuing care retirement community, pursuant to a contract, whether such place is constructed, owned, leased, rented or otherwise contracted for by the operator.

8. a. "Fee-for-service continuing care retirement community" shall mean a facility or facilities established pursuant to this article to provide a comprehensive, cohesive living arrangement for the elderly, oriented to the enhancement of the quality of life, pursuant to the terms of the fee-for-service continuing care contract on a fee-for-service schedule. Such facility, at a minimum, shall provide access to on-site geriatric services, including, but not limited to, nursing facility services, services provided by an adult care facility, home health services, a meal plan, social services and independent living units.

b. "On-site" shall mean that, unless the context clearly requires otherwise, the services specified in paragraph a of this subdivision be provided at the facility.

9. "Fee-for-service continuing care contract" shall mean a single continuing care retirement contract that provides long-term care and other services on a per diem, fee-for-service or other agreed upon rate.

10. "Living unit" shall mean an apartment, room, cottage or other area within a community set aside for the exclusive use of one or more residents.

11. "Meal plan" shall mean an arrangement whereby the person entering into a fee-for-service continuing care contract is provided with no fewer than five meals per month. Additional meals shall be available on a fee-for-service basis.

12. "Monthly care fee" shall mean the monthly cost to a resident for prepayment of any services, including rent, rendered pursuant to a contract, exclusive of entrance fees or other prepayments, and any other regular periodic charges to the resident, determined on a monthly basis, pursuant to the provisions of a contract.

13. "Operator" shall mean a legal entity operating a fee-for-service continuing care retirement community pursuant to a certificate of

authority, as granted pursuant to section forty-six hundred fifty-six of this article.

14. "Priority reservation agreement" shall mean a cancelable agreement between a prospective fee-for-service continuing care retirement community applicant, an applicant for a certificate of authority or an operator and a prospective resident, for the purpose of evaluating market demand for a proposed fee-for-service continuing care retirement community and for the purpose of guaranteeing to prospective residents an opportunity for priority placement in a fee-for-service continuing care retirement community, under which the prospective resident will pay a refundable priority reservation fee. A priority reservation agreement shall not be deemed to be a fee-for-service continuing care contract.

15. "Priority reservation fee" shall mean the refundable sum of money paid by a prospective resident for deposit with the escrow agent for a prospective fee-for-service continuing care retirement community applicant, an applicant for a certificate of authority or an operator pursuant to a priority reservation agreement.

17. "Resident" shall mean any person who, pursuant to a contract, is entitled to reside in and receive services from a fee-for-service continuing care retirement community.

18. "Social services" shall mean those services which may include, but are not limited to counseling, case management, and information and referral.

* NB There are 2 § 4651's