



General Assembly

January Session, 2021

Raised Bill No. 975

LCO No. 4282



Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT STRENGTHENING THE BILL OF RIGHTS FOR LONG-TERM CARE FACILITY RESIDENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 19a-550 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2021*):

4 (b) There is established a patients' bill of rights for any person
5 admitted as a patient to any nursing home facility, residential care home
6 or chronic disease hospital. The patients' bill of rights shall be
7 implemented in accordance with the provisions of Sections 1919(b),
8 1919(c), 1919(c)(2), 1919(c)(2)(D) and 1919(c)(2)(E) of the Social Security
9 Act. The patients' bill of rights shall provide that each such patient: (1)
10 Is entitled to treat his or her living quarters as his or her home and has
11 no fewer rights than any other resident of the state, including, but not
12 limited to (A) associating and communicating privately with persons of
13 the patient's choice, and (B) purchasing and using technology of the
14 patient's choice, including, but not limited to, technology that may
15 facilitate virtual visitation with family and other persons, provided

16 operation and use of such technology shall not violate any individual's
17 right to privacy under state or federal law; (2) is fully informed, as
18 evidenced by the patient's written acknowledgment, prior to or at the
19 time of admission and during the patient's stay, of the rights set forth in
20 this section and of all rules and regulations governing patient conduct
21 and responsibilities; [(2)] (3) is fully informed, prior to or at the time of
22 admission and during the patient's stay, of services available in such
23 facility or chronic disease hospital, and of related charges including any
24 charges for services not covered under Titles XVIII or XIX of the Social
25 Security Act, or not covered by basic per diem rate; [(3)] (4) in such
26 facility or hospital is entitled to choose the patient's own physician or
27 advanced practice registered nurse and is fully informed, by a physician
28 or an advanced practice registered nurse, of the patient's medical
29 condition unless medically contraindicated, as documented by the
30 physician or advanced practice registered nurse in the patient's medical
31 record, and is afforded the opportunity to participate in the planning of
32 the patient's medical treatment and to refuse to participate in
33 experimental research; [(4)] (5) in a residential care home or a chronic
34 disease hospital is transferred from one room to another within such
35 home or chronic disease hospital only for medical reasons, or for the
36 patient's welfare or that of other patients, as documented in the patient's
37 medical record and such record shall include documentation of action
38 taken to minimize any disruptive effects of such transfer, except a
39 patient who is a Medicaid recipient may be transferred from a private
40 room to a nonprivate room, provided no patient may be involuntarily
41 transferred from one room to another within such home or chronic
42 disease hospital if (A) it is medically established that the move will
43 subject the patient to a reasonable likelihood of serious physical injury
44 or harm, or (B) the patient has a prior established medical history of
45 psychiatric problems and there is psychiatric testimony that as a
46 consequence of the proposed move there will be exacerbation of the
47 psychiatric problem that would last over a significant period of time and
48 require psychiatric intervention; and in the case of an involuntary
49 transfer from one room to another within such home or chronic disease
50 hospital, the patient and, if known, the patient's legally liable relative,

51 guardian or conservator or a person designated by the patient in
52 accordance with section 1-56r, is given not less than thirty days' and not
53 more than sixty days' written notice to ensure orderly transfer from one
54 room to another within such home or chronic disease hospital, except
55 where the health, safety or welfare of other patients is endangered or
56 where immediate transfer from one room to another within such home
57 or chronic disease hospital is necessitated by urgent medical need of the
58 patient or where a patient has resided in such home or chronic disease
59 hospital for less than thirty days, in which case notice shall be given as
60 many days before the transfer as practicable; [(5)] (6) is encouraged and
61 assisted, throughout the patient's period of stay, to exercise the patient's
62 rights as a patient and as a citizen, and to this end, has the right to (A)
63 be fully informed about patients' rights by state or federally funded
64 patient advocacy programs, [and may voice grievances and recommend
65 changes in policies and services to nursing home facility, residential care
66 home or chronic disease hospital staff or to outside representatives of
67 the patient's choice, free from restraint, interference, coercion,
68 discrimination or reprisal] (B) present grievances and recommend
69 changes in policies, procedures and services to the manager or staff of
70 the nursing home facility, residential care home or chronic disease
71 hospital, government officials or any other person without restraint,
72 interference, coercion, discrimination or reprisal from the nursing home
73 facility, residential care home or chronic disease hospital, and (C) access
74 to representatives of the Department of Public Health, the Department
75 of Social Services or the Office of the Long-Term Care Ombudsman; [(6)]
76 (7) shall have prompt efforts made by such nursing home facility,
77 residential care home or chronic disease hospital to resolve grievances
78 the patient may have, including those with respect to the behavior of
79 other patients; [(7)] (8) may manage the patient's personal financial
80 affairs, and is given a quarterly accounting of financial transactions
81 made on the patient's behalf; [(8)] (9) is free from mental and physical
82 abuse, corporal punishment, involuntary seclusion and any physical or
83 chemical restraints imposed for purposes of discipline or convenience
84 and not required to treat the patient's medical symptoms. Physical or
85 chemical restraints may be imposed only to ensure the physical safety

86 of the patient or other patients and only upon the written order of a
87 physician or an advanced practice registered nurse that specifies the
88 type of restraint and the duration and circumstances under which the
89 restraints are to be used, except in emergencies until a specific order can
90 be obtained; [(9)] (10) is assured confidential treatment of the patient's
91 personal and medical records, and may approve or refuse their release
92 to any individual outside the facility, except in case of the patient's
93 transfer to another health care institution or as required by law or third-
94 party payment contract; [(10)] (11) receives quality care and services
95 with reasonable accommodation of individual needs and preferences,
96 except where the health or safety of the individual would be
97 endangered, and is treated with consideration, respect, and full
98 recognition of the patient's dignity and individuality, including privacy
99 in treatment and in care for the patient's personal needs; [(11)] (12) is not
100 required to perform services for the nursing home facility, residential
101 care home or chronic disease hospital that are not included for
102 therapeutic purposes in the patient's plan of care; [(12)] may associate
103 and communicate privately with persons of the patient's choice,
104 including other patients,] (13) (A) may send and receive the patient's
105 personal mail unopened and make and receive telephone calls privately,
106 unless medically contraindicated, as documented by the patient's
107 physician or advanced practice registered nurse in the patient's medical
108 record, and (B) receives adequate notice before the patient's room or
109 roommate in such facility, home or chronic disease hospital is changed;
110 [(13)] (14) is entitled to organize and participate in patient groups in
111 such facility, home or chronic disease hospital and to participate in
112 social, religious and community activities that do not interfere with the
113 rights of other patients, unless medically contraindicated, as
114 documented by the patient's physician or advanced practice registered
115 nurse in the patient's medical records; [(14)] (15) may retain and use the
116 patient's personal clothing and possessions unless to do so would
117 infringe upon rights of other patients or unless medically
118 contraindicated, as documented by the patient's physician or advanced
119 practice registered nurse in the patient's medical record; [(15)] (16) is
120 assured privacy for visits by the patient's spouse or a person designated

121 by the patient in accordance with section 1-56r and, if the patient is
122 married and both the patient and the patient's spouse are inpatients in
123 the facility, they are permitted to share a room, unless medically
124 contraindicated, as documented by the attending physician or advanced
125 practice registered nurse in the medical record; [(16)] (17) is fully
126 informed of the availability of and may examine all current state, local
127 and federal inspection reports and plans of correction; [(17)] (18) may
128 organize, maintain and participate in a patient-run resident council, as
129 a means of fostering communication among residents and between
130 residents and staff, encouraging resident independence and addressing
131 the basic rights of nursing home facility, residential care home and
132 chronic disease hospital patients and residents, free from administrative
133 interference or reprisal; [(18)] (19) is entitled to the opinion of two
134 physicians concerning the need for surgery, except in an emergency
135 situation, prior to such surgery being performed; [(19)] (20) is entitled to
136 have the patient's family or a person designated by the patient in
137 accordance with section 1-56r meet in such facility, residential care
138 home or chronic disease hospital with the families of other patients in
139 the facility to the extent such facility, residential care home or chronic
140 disease hospital has existing meeting space available that meets
141 applicable building and fire codes; [(20)] (21) is entitled to file a
142 complaint with the Department of Social Services and the Department
143 of Public Health regarding patient abuse, neglect or misappropriation
144 of patient property; [(21)] (22) is entitled to have psychopharmacologic
145 drugs administered only on orders of a physician or an advanced
146 practice registered nurse and only as part of a written plan of care
147 developed in accordance with Section 1919(b)(2) of the Social Security
148 Act and designed to eliminate or modify the symptoms for which the
149 drugs are prescribed and only if, at least annually, an independent
150 external consultant reviews the appropriateness of the drug plan; [(22)]
151 (23) is entitled to be transferred or discharged from the facility only
152 pursuant to section 19a-535, 19a-535a or 19a-535b, as applicable; [(23)]
153 (24) is entitled to be treated equally with other patients with regard to
154 transfer, discharge and the provision of all services regardless of the
155 source of payment; [(24)] (25) shall not be required to waive any rights

156 to benefits under Medicare or Medicaid or to give oral or written
157 assurance that the patient is not eligible for, or will not apply for benefits
158 under Medicare or Medicaid; ~~[(25)]~~ (26) is entitled to be provided
159 information by the nursing home facility or chronic disease hospital as
160 to how to apply for Medicare or Medicaid benefits and how to receive
161 refunds for previous payments covered by such benefits; ~~[(26)]~~ (27) is
162 entitled to receive a copy of any Medicare or Medicaid application
163 completed by a nursing home facility, residential care home or chronic
164 disease hospital on behalf of the patient or to designate that a family
165 member, or other representative of the patient, receive a copy of any
166 such application; ~~[(27)]~~ (28) on or after October 1, 1990, shall not be
167 required to give a third-party guarantee of payment to the facility as a
168 condition of admission to, or continued stay in, such facility; ~~[(28)]~~ (29)
169 is entitled to have such facility not charge, solicit, accept or receive any
170 gift, money, donation, third-party guarantee or other consideration as a
171 precondition of admission or expediting the admission of the individual
172 to such facility or as a requirement for the individual's continued stay in
173 such facility; and ~~[(29)]~~ (30) shall not be required to deposit the patient's
174 personal funds in such facility, home or chronic disease hospital.

175 Sec. 2. Subsection (a) of section 19a-697 of the general statutes is
176 repealed and the following is substituted in lieu thereof (*Effective July 1,*
177 *2021*):

178 (a) A managed residential community shall have a written bill of
179 rights that prescribes the rights afforded to each resident. A designated
180 staff person from the managed residential community shall provide and
181 explain the bill of rights to the resident at the time that such resident
182 enters into a residency agreement at the managed residential
183 community. The bill of rights shall include, but not be limited to, that
184 each resident has the right to:

185 (1) Live in a clean, safe and habitable private residential unit;

186 (2) Be treated with consideration, respect and due recognition of
187 personal dignity, individuality and the need for privacy;

188 (3) Privacy within a private residential unit, subject to rules of the
189 managed residential community reasonably designed to promote the
190 health, safety and welfare of the resident;

191 (4) Retain and use one's own personal property within a private
192 residential unit so as to maintain individuality and personal dignity
193 provided the use of personal property does not infringe on the rights of
194 other residents or threaten the health, safety and welfare of other
195 residents;

196 (5) [Private] Treat his or her residential unit as his or her home and
197 has no fewer rights than any other resident of the state, including, but
198 not limited to (A) associating and communicating privately with
199 persons of the resident's choice, (B) purchasing and using technology of
200 the resident's choice, including, but not limited to, technology that may
201 facilitate virtual visitation with family and other persons, provided
202 operation and use of such technology shall not violate any individual's
203 right to privacy under state or federal law, and (C) other private
204 communications, including receiving and sending unopened
205 correspondence [,] and telephone access; [and visiting with persons of
206 one's choice;]

207 (6) Freedom to participate in and benefit from community services
208 and activities so as to achieve the highest possible level of independence,
209 autonomy and interaction within the community;

210 (7) Directly engage or contract with licensed health care professionals
211 and providers of one's choice to obtain necessary health care services in
212 one's private residential unit, or such other space in the managed
213 residential community as may be made available to residents for such
214 purposes;

215 (8) Manage one's own financial affairs;

216 (9) Exercise civil and religious liberties;

217 (10) Present grievances and recommend changes in policies,

218 procedures and services to the manager or staff of the managed
219 residential community, government officials or any other person
220 without restraint, interference, coercion, discrimination or reprisal from
221 the managed residential community, including access to representatives
222 of the department or the Office of the Long-Term Care Ombudsman;

223 (11) Upon request, obtain from the managed residential community
224 the name of the service coordinator or any other persons responsible for
225 resident care or the coordination of resident care;

226 (12) Confidential treatment of all records and communications to the
227 extent required by state and federal law;

228 (13) Have all reasonable requests responded to promptly and
229 adequately within the capacity of the managed residential community
230 and with due consideration given to the rights of other residents;

231 (14) Be fully advised of the relationship that the managed residential
232 community has with any assisted living services agency, health care
233 facility or educational institution to the extent that such relationship
234 relates to resident medical care or treatment and to receive an
235 explanation about the relationship;

236 (15) Receive a copy of any rules or regulations of the managed
237 residential community;

238 (16) Privacy when receiving medical treatment or other services
239 within the capacity of the managed residential community;

240 (17) Refuse care and treatment and participate in the planning for the
241 care and services the resident needs or receives, provided the refusal of
242 care and treatment may preclude the resident from being able to
243 continue to reside in the managed residential community; and

244 (18) All rights and privileges afforded to tenants under title 47a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	19a-550(b)
Sec. 2	July 1, 2021	19a-697(a)

Statement of Purpose:

To affirm that residents of long-term care facilities have the right to treat their living quarters as their homes and have the same rights as all other state residents, including the right to use technology of their choice for purposes, including, but not limited to, virtual visitation and file grievances for violations of their rights.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]