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## OLR Bill Analysis

### SB 453

#### ***AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING TRANSFERS AND DISCHARGES OF RESIDENTIAL CARE HOME RESIDENTS.***

#### **SUMMARY**

This bill modifies requirements for the involuntary discharge of residential care home (RCH) residents to allow RCHs to qualify as Medicaid home- and community-based settings. Principally, it does the following:

1. requires the written discharge notice to include contact information for (a) the long-term care ombudsman for RCH residents and their legally liable residents and (b) Disability Rights Connecticut, Inc. for residents with mental illness or intellectual disability;
2. requires RCHs to provide residents with a discharge plan for alternate residency within seven days after issuing the discharge notice and, in the case of an appeal, submit it to the Department of Public Health (DPH) on or before the required hearing date;
3. requires DPH to make a determination on an RCH's request for an immediate, emergency transfer within 20 days after the required hearing (current law does not specify a deadline);
4. requires DPH to send a copy of the emergency discharge determination to the resident, the resident's legally liable representative, and the long-term care ombudsman;
5. requires DPH, if it determines an emergency discharge is not warranted, to proceed with a hearing under the regular involuntary discharge process; and
6. allows an RCH or a resident aggrieved by a DPH decision to appeal to the Superior Court and requires the court to consider

the appeal a privileged case.

The bill defines “emergency” as a situation in which a resident presents an imminent danger to the health and safety of him- or herself, another resident, or an owner or employee of the facility.

Lastly, the bill makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2022

### **WRITTEN DISCHARGE NOTICE**

By law, RCHs must provide a written discharge notice to residents and their legally liable representatives at least 30 days prior to the date of an involuntary transfer. The notice must include the reason for the transfer and the resident’s right to appeal the discharge.

The bill also requires the notice to include the (1) resident’s right to represent him- or herself or be represented by legal counsel in an appeal and (2) contact information for the long-term care ombudsman and, for residents with mental illness or intellectual disability, also include the contact information for Disability Rights Connecticut. The notice must be sent electronically or by fax to the ombudsman the same day it is given to the resident and be in a form and manner the DPH commissioner prescribes.

### **SUPERIOR COURT APPEALS**

The bill allows an RCH or a resident who is aggrieved by the DPH commissioner’s final decision to appeal to the Superior Court in accordance with the Uniform Administrative Procedure Act. Under the bill, filling an appeal with the court does not in itself stay the DPH decision. The court must consider these appeals as privileged cases in order to dispose of them with the least possible delay.

### **COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 29    Nay 0    (03/25/2022)