



House of Representatives

General Assembly

File No. 631

February Session, 2022

Substitute House Bill No. 5227

House of Representatives, April 26, 2022

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ESTABLISHING THE COMMUNITY OMBUDSMAN PROGRAM FOR HOME CARE.

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

1 Section 1. (NEW) (*Effective July 1, 2022*) (a) As used in this section, (1)
2 "authorized representative" means a person designated by a home care
3 client, in writing, to act on such client's behalf, including, but not limited
4 to, a health care representative appointed pursuant to section 19a-575a
5 or 19a-577 of the general statutes; (2) "home care" means long-term
6 services and supports provided to adults in a home or community-
7 based program administered by the Department of Social Services; (3)
8 "home care provider" means a person or organization, including, but not
9 limited to, (A) a home health agency or hospice agency, as defined in
10 section 19a-490 of the general statutes, or (B) a homemaker-companion
11 agency, as defined in section 20-670 of the general statutes; and (4) "long-
12 term services and supports" means (A) health, health-related, personal
13 care and social services provided to persons with physical, cognitive or
14 mental health conditions or disabilities to facilitate optimal functioning

15 and quality of life, or (B) hospice care provided to persons who may be
16 nearing the end of their lives.

17 (b) There is established a Community Ombudsman program within
18 the independent Office of the Long-Term Care Ombudsman,
19 established pursuant to section 17a-405 of the general statutes. Not later
20 than October 1, 2022, the State Ombudsman appointed pursuant to said
21 section shall (1) appoint a Community Ombudsman supervisor and not
22 more than twelve regional community ombudsmen; and (2) hire not
23 more than two administrative support staff members, all of whom shall
24 report to the State Ombudsman. The Community Ombudsman
25 supervisor and the regional community ombudsmen shall:

26 (A) Have access to data pertaining to long-term services and supports
27 provided by a home care provider to a client, provided (i) such client or
28 such client's authorized representative provides written consent to such
29 access, or (ii) if such client is incapable of providing such consent due to
30 a physical, cognitive or mental health condition or disability and has no
31 authorized representative, the Community Ombudsman supervisor
32 determines the data is necessary to investigate a complaint concerning
33 such client's care;

34 (B) Identify, investigate, refer and resolve complaints about home
35 care services;

36 (C) Raise public awareness about home care and the Community
37 Ombudsman program;

38 (D) Promote access to home care services;

39 (E) Advocate for long-term care options;

40 (F) Coach individuals in self advocacy; and

41 (G) Provide referrals to home care clients for legal, housing and social
42 services.

43 (c) The Office of the Long-Term Care Ombudsman shall oversee the

44 Community Ombudsman program and provide administrative and
45 organizational support by:

46 (1) Developing and implementing a public awareness strategy about
47 the Community Ombudsman program;

48 (2) Applying for, or working in collaboration with other state
49 agencies to apply for, available federal funding for Community
50 Ombudsman services;

51 (3) Collaborating with persons administering other state programs
52 and services to design and implement an agenda to promote the rights
53 of elderly persons and persons with disabilities;

54 (4) Providing information to public and private agencies, legislators,
55 the media and other persons regarding the problems and concerns of
56 older adults and people with disabilities receiving home care;

57 (5) Advocating for improvements in the home and community-based
58 long-term services and supports system; and

59 (6) Recommending changes in federal, state and local laws,
60 regulations, policies and actions pertaining to the health, safety, welfare
61 and rights of people receiving home care.

62 (d) Not later than December 1, 2023, and annually thereafter, the State
63 Ombudsman shall submit a report, in accordance with the provisions of
64 section 11-4a of the general statutes, to the joint standing committees of
65 the General Assembly having cognizance of matters relating to aging,
66 human services and public health on (1) implementation of the public
67 awareness strategy relating to the Community Ombudsman program,
68 (2) the number of persons served in the program, (3) the number of
69 complaints regarding home care filed with the program, (4) the
70 disposition of such complaints, and (5) any gaps in services and
71 resources needed to address such gaps.

72 (e) The State Ombudsman, the Community Ombudsman supervisor
73 and the regional community ombudsmen shall ensure that any health

74 data obtained pursuant to subsection (b) of this section relating to a
75 home care client is protected in accordance with the Health Insurance
76 Portability and Accountability Act of 1996, P.L. 104-191, as amended
77 from time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	New section

HS *Joint Favorable Subst. C/R* APP
APP *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Aging and Disability Services, Dept.	GF - Cost	89,500 to 1,042,800	89,500 to 1,042,800
State Comptroller - Fringe Benefits ¹	GF - Cost	36,274 to 422,700	36,274 to 422,700

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a community ombudsman program within the Office of the Long-Term Care (LTC) Ombudsman, which is an independent office within the Department of Aging and Disability Services (ADS). The Community Ombudsman must, among other responsibilities, respond to complaints about long-term services and supports provided to adults in home or community-based programs administered by the Department of Social Services.

The anticipated personnel costs for the program range from \$125,774 for one position to \$1,465,320 for all 15 positions in FY 23, comprised of (1) salary costs in ADS ranging from \$89,500 for one position² to \$1,042,800 for the 15 positions³ allowed under the bill and (2) fringe benefits costs ranging from \$36,274 to \$422,700.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

² One Ombudsman Supervisor (\$89,500 annual salary)

³ Up to 12 regional community ombudsman (\$71,100 per position) and up to two Secretary 2 positions (\$50,050 per position).

sHB 5037, the revised FY 23 budget bill, as favorably reported by the Appropriations Committee, appropriated \$98,000 in the ADS budget and one position to support the establishment of a home and community ombudsman program.

Additionally, the bill requires the LTC Ombudsman's office to oversee the community ombudsman program and provide administrative and organizational support. It is anticipated this will not result in a fiscal impact as the LTC Ombudsman's office has the resources and expertise to support the community ombudsman program.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Core-CT Financial Accounting System

OLR Bill Analysis

sHB 5227

AN ACT ESTABLISHING THE COMMUNITY OMBUDSMAN PROGRAM FOR HOME CARE.

SUMMARY

This bill establishes a Community Ombudsman program within the Office of the Long-Term Care (LTC) Ombudsman (see BACKGROUND). It charges the program with, among other things, responding to complaints about long-term services and supports provided to adults in home and community-based programs administered by the Department of Social Services.

By October 1, 2022, the LTC Ombudsman must (1) appoint a community ombudsman program supervisor and up to 12 regional community ombudsmen and (2) hire up to two administrative staff, all of whom report to the LTC Ombudsman. Among other things, the bill requires the LTC Ombudsman, program supervisor, and regional community ombudsmen to ensure that any home care recipient’s health data obtained by the program is protected in accordance with the Health Insurance Portability and Accountability Act (HIPAA).

Under the bill, a “home care provider” is a person or organization, including a home health agency, hospice agency, or homemaker-companion agency. “Long-term services and supports” are (1) health, health-related, personal care, and social services provided to persons with physical, cognitive, or mental health conditions or disabilities to facilitate optimal functioning and quality of life or (2) hospice care provided to persons who may be nearing the end of their lives.

EFFECTIVE DATE: July 1, 2022

COMMUNITY OMBUDSMEN DUTIES

The bill requires the program supervisor and regional community ombudsmen to:

1. have access to data on long-term services and supports provided by a home care provider to a client, if the client or his or her authorized representative generally consents in writing (see below);
2. identify, investigate, refer, and resolve complaints about home care services;
3. raise public awareness about home care and the program;
4. advocate for LTC options and promote access to home care services;
5. coach individuals in self-advocacy; and
6. provide referrals to home care clients.

The bill grants the ombudsmen access to data without a client's written consent if he or she cannot provide it due to (1) a physical, cognitive, or mental health condition or disability and (2) lack of an authorized representative. In this case, the program supervisor must determine that the data is necessary to investigate a complaint about the client's care.

LTC OMBUDSMAN OVERSIGHT

The bill requires the LTC Ombudsman's office to oversee the community ombudsman program and provide administrative and organizational support by:

1. developing and implementing a public awareness strategy;
2. applying for, or collaborating with other state agencies to apply for, available federal funding;
3. collaborating with administrators of other state programs and services to design and implement an agenda to promote the

- rights of elderly people and people with disabilities;
4. providing information to public and private agencies, legislators, and the media on home care recipients' problems and concerns;
 5. advocating for improvements in the home and community-based long-term services and supports system; and
 6. recommending changes in federal, state, and local laws, regulations, policies, and actions pertaining to the health, safety, welfare, and rights of home care recipients.

Starting by December 1, 2023, the LTC Ombudsman must annually report to the Aging, Human Services, and Public Health committees on (1) the program's public awareness strategy implementation, (2) the number of persons served, (3) the number of home care complaints filed, (4) the disposition of these complaints, and (5) any gaps in services and resources needed to address them.

BACKGROUND

LTC Ombudsman Program

This state program represents the interests of residents in nursing and residential care homes and helps them resolve complaints about these facilities. One state and eight regional ombudsmen carry out these duties, assisted by 11 volunteers. The office also provides assistance and education to residents in assisted living facilities. People in state-subsidized assisted living programs have priority for these services, but the office will also help people in private assisted living facilities to the extent that funding is available.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute Change of Reference - APP
 Yea 14 Nay 6 (03/08/2022)

Appropriations Committee

Joint Favorable

Yea 50 Nay 0 (04/07/2022)