



General Assembly

**Amendment**

February Session, 2022

LCO No. 6310



Offered by:

SEN. MOORE, 22<sup>nd</sup> Dist.

REP. ABERCROMBIE, 83<sup>rd</sup> Dist.

To: Subst. Senate Bill No. 286

File No. 183

Cal. No. 154

**"AN ACT CONCERNING DEADLINES FOR MANDATORY REPORTING OF SUSPECTED ELDER ABUSE AND PENALTIES FOR FAILURE TO REPORT."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (b) of section 17b-688c of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
5 *2022*):

6 (b) In no event shall temporary family assistance be granted to an  
7 applicant for such assistance, who is not exempt from participation in  
8 the employment services program, prior to the applicant's attendance at  
9 an initial scheduled employment services assessment interview and  
10 participation in the development of an employment services plan. The  
11 Department of Social Services shall [not delay temporary family  
12 assistance to an applicant in cases where the department schedules]  
13 promptly conduct an application interview with an applicant for

14 temporary family assistance to determine whether such applicant is  
15 exempt from participation in the employment services program. If the  
16 department determines that such applicant is not exempt, the  
17 department shall schedule the initial employment services assessment  
18 interview not later than ten business days after the date of the  
19 application interview. In cases where the department does not schedule  
20 the initial employment services assessment interview [more than]  
21 within ten business days [after] of the date on which the application [for  
22 assistance is made, or in cases where] interview was completed, or  
23 where the Labor Department does not complete an employment  
24 services plan for the benefit of the applicant within ten business days of  
25 the date on which the applicant attends an employment services  
26 assessment interview, the Department of Social Services shall not delay  
27 granting temporary family assistance to an applicant who is otherwise  
28 eligible for such assistance. The Commissioner of Social Services shall  
29 refer any applicant denied temporary family assistance, who may be in  
30 need of emergency benefits, to other services offered by the Department  
31 of Social Services or community services that may be available to such  
32 applicant. The Department of Social Services shall reduce the benefits  
33 awarded to a family under the temporary family assistance program  
34 when a member of the family who is required to participate in the  
35 employment services program fails to comply with an employment  
36 services requirement without good cause. [The first instance of  
37 noncompliance with an employment services requirement shall result  
38 in a twenty-five per cent reduction of such benefits for three consecutive  
39 months. The second instance of noncompliance with such requirement  
40 shall result in a thirty-five per cent reduction of such benefits for three  
41 consecutive months. A third or subsequent instance of noncompliance  
42 with such requirement shall result in the termination of such benefits  
43 for three consecutive months.] The Department of Social Services shall  
44 impose this reduction by excluding the noncompliant family member  
45 from the household when calculating the family's monthly benefit. Such  
46 exclusion shall continue until the noncompliant family member (1)  
47 begins to comply with employment services requirements, (2) becomes  
48 exempt from such requirements, or (3) demonstrates good cause for his

49 or her failure to comply with such requirements. If only one member of  
50 a family is eligible for temporary family assistance and such member  
51 fails without good cause to comply with an employment services  
52 requirement, the department shall [terminate all benefits of such family  
53 for three consecutive months Notwithstanding the provisions of this  
54 subsection, the department shall terminate the benefits awarded to a  
55 family under the temporary family assistance program if a member of  
56 the family who is not exempt from the twenty-one-month time limit  
57 specified in subsection (a) of section 17b-112 fails, without good cause,  
58 to: (1) Attend any scheduled assessment appointment or interview  
59 relating to the establishment of an employment services plan, except  
60 that such individual's benefits shall be reinstated if the individual  
61 attends a subsequently scheduled appointment or interview within  
62 thirty days of the date on which the department has issued notification  
63 to the individual that benefits have been terminated, or (2) comply with  
64 an employment services requirement during a six-month extension of  
65 benefits. Any individual who fails to comply with the provisions of  
66 subdivision (1) of this subsection may submit a new application for such  
67 benefits at any time after termination of benefits] reduce such family's  
68 benefit by twenty-five per cent for each month such member fails to  
69 comply.

70 Sec. 502. Section 1-24 of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective from passage*):

72 The following officers may administer oaths: (1) The clerks of the  
73 Senate, the clerks of the House of Representatives and the chairpersons  
74 of committees of the General Assembly or of either branch thereof,  
75 during its session; (2) state officers, as defined in subsection (t) of section  
76 9-1, judges and clerks of any court, family support magistrates, judge  
77 trial referees, justices of the peace, commissioners of the Superior Court,  
78 notaries public, town clerks and assistant town clerks, in all cases where  
79 an oath may be administered, except in a case where the law otherwise  
80 requires; (3) commissioners on insolvent estates, auditors, arbitrators  
81 and committees, to parties and witnesses, in all cases tried before them;  
82 (4) assessors and boards of assessment appeals, in cases coming before

83 them; (5) commissioners appointed by governors of other states to take  
84 the acknowledgment of deeds, in the discharge of their official duty; (6)  
85 the moderator of a school district meeting, in such meeting, to the clerk  
86 of such district, as required by law; (7) the chief elected official of a  
87 municipality, in any matter before the chief elected official of a  
88 municipality; (8) the Chief Medical Examiner, Deputy Medical  
89 Examiner and assistant medical examiners of the Office of the Medical  
90 Examiner, in any matter before them; (9) registrars of vital statistics, in  
91 any matter before them; (10) any chief inspector or inspector appointed  
92 pursuant to section 51-286; (11) registrars of voters, deputy registrars,  
93 assistant registrars, and moderators, in any matter before them; (12)  
94 special assistant registrars, in matters provided for in subsections (b)  
95 and (c) of section 9-19b and section 9-19c; (13) the Commissioner of  
96 Emergency Services and Public Protection and any sworn member of  
97 any local police department or the Division of State Police within the  
98 Department of Emergency Services and Public Protection, in all  
99 affidavits, statements, depositions, complaints or reports made to or by  
100 any member of any local police department or said Division of State  
101 Police or any constable who is under the supervision of said  
102 commissioner or any of such officers of said Division of State Police and  
103 who is certified under the provisions of sections 7-294a to 7-294e,  
104 inclusive, and performs criminal law enforcement duties; (14) judge  
105 advocates of the United States Army, Navy, Air Force and Marine  
106 Corps, law specialists of the United States Coast Guard, adjutants,  
107 assistant adjutants, acting adjutants and personnel adjutants,  
108 commanding officers, executive officers and officers whose rank is  
109 lieutenant commander or major, or above, of the armed forces, as  
110 defined in section 27-103, to persons serving with or in the armed forces,  
111 as defined in said section, or their spouses; (15) investigators, deputy  
112 investigators, investigative aides, secretaries, clerical assistants, social  
113 workers, social worker trainees, paralegals and certified legal interns  
114 employed by or assigned to the Public Defender Services Commission  
115 in the performance of their assigned duties; (16) bail commissioners,  
116 intake, assessment and referral specialists, family relations counselors,  
117 support enforcement officers, chief probation officers and supervisory

118 judicial marshals employed by the Judicial Department in the  
119 performance of their assigned duties; (17) juvenile matter investigators  
120 employed by the Division of Criminal Justice in the performance of their  
121 assigned duties; (18) the chairperson of the Connecticut Siting Council  
122 or the chairperson's designee; (19) the presiding officer at an agency  
123 hearing under section 4-177b; (20) investigators employed by the  
124 Department of Social Services Office of Child Support Services, in the  
125 performance of their assigned duties; (21) the chairperson, vice-  
126 chairperson, members and employees of the Board of Pardons and  
127 Paroles, in the performance of their assigned duties; (22) the  
128 Commissioner of Correction or the commissioner's designee; (23) sworn  
129 law enforcement officers, appointed under section 26-5, within the  
130 Department of Energy and Environmental Protection, in all affidavits,  
131 statements, depositions, complaints or reports made to or by any such  
132 sworn law enforcement officer; [and] (24) sworn motor vehicle  
133 inspectors acting under the authority of section 14-8; and (25) eligibility  
134 workers, specialists and supervisors employed by the Department of  
135 Social Services for the sole purpose of witnessing the execution of an  
136 affirmation or acknowledgment of parentage when their assigned  
137 duties include witnessing such execution.

138 Sec. 503. Subsection (b) of section 46b-171 of the 2022 supplement to  
139 the general statutes is repealed and the following is substituted in lieu  
140 thereof (*Effective July 1, 2022*):

141 (b) (1) Except as provided in subdivision (2) of this subsection, a  
142 judgment of parentage entered by the Superior Court or family support  
143 magistrate pursuant to this chapter may not be opened or set aside  
144 unless (A) a motion to open or set aside is filed not later than four  
145 months after the date on which the judgment was entered, and (B) upon  
146 a showing (i) of reasonable cause, or (ii) that a valid defense to the  
147 petition for a judgment of parentage existed, in whole or in part, at the  
148 time judgment was rendered, and the person seeking to open or set  
149 aside the judgment was prevented by mistake, accident or other  
150 reasonable cause from making a valid defense.

151 (2) The Superior Court or a family support magistrate may consider  
152 a motion to open or set aside a judgment of parentage filed more than  
153 four months after such judgment was entered if such court or magistrate  
154 determines that the judgment was entered due to fraud, duress or  
155 material mistake of fact. The burden of proof shall be on the person  
156 seeking to open or set aside such judgment. If the court or family  
157 support magistrate determines such person has met the burden of proof  
158 under this subdivision, the judgment shall be set aside only if the court  
159 or family support magistrate determines that doing so is in the best  
160 interest of the child, based on the relevant factors set forth in section 46b-  
161 475.

162 [(b)] (3) Whenever the Superior Court or family support magistrate  
163 [reopens] opens a judgment of parentage entered pursuant to this  
164 section in which a person was found to be the parent of a child who is  
165 or has been supported by the state and the court or family support  
166 magistrate finds that the person adjudicated the parent is not the parent  
167 of the child, the Department of Social Services shall refund to such  
168 person any money paid to the state by such person during the period  
169 such child was supported by the state.

170 Sec. 504. (NEW) (*Effective from passage*) (a) In addition to any  
171 applicable recoupment or rate decrease pursuant to any other provision  
172 of the general statutes, a nursing home facility that receives a rate  
173 increase for wage enhancements for facility employees may also be  
174 assessed a civil penalty if the facility fails to use the rate increase for that  
175 purpose. The Department of Social Services may assess a civil penalty  
176 upon completion of a department audit conducted in accordance with  
177 the nursing home facility's Medicaid provider enrollment agreements.  
178 The civil penalty assessed pursuant to this section shall not exceed an  
179 amount greater than fifty per cent of the total dollar amount of the rate  
180 increase received by the nursing home facility but not used for wage  
181 enhancements for facility employees.

182 (b) The department, in its sole discretion, may enter into a  
183 recoupment schedule with a nursing home facility so as not to

184 negatively impact patient care. Any nursing home facility subject to a  
185 civil penalty assessed in accordance with this section may request a  
186 rehearing pursuant to subsection (b) of section 17b-238 of the general  
187 statutes. The provisions of this section shall apply to all rate increases  
188 for wage enhancements received by nursing home facilities pursuant to  
189 the provisions of section 323 of public act 21-2 of the June special session  
190 prior to the effective date of this section.

191 Sec. 505. Section 17b-352 of the general statutes is repealed and the  
192 following is substituted in lieu thereof (*Effective July 1, 2022*):

193 (a) For the purposes of this section and section 17b-353, as amended  
194 by this act, "facility" means a residential facility for persons with  
195 intellectual disability licensed pursuant to section 17a-277 and certified  
196 to participate in the Title XIX Medicaid program as an intermediate care  
197 facility for individuals with intellectual disabilities, a nursing home, rest  
198 home or residential care home, as defined in section 19a-490. "Facility"  
199 does not include a nursing home that does not participate in the  
200 Medicaid program and is associated with a continuing care facility as  
201 described in section 17b-520.

202 (b) Any facility which intends to (1) transfer all or part of its  
203 ownership or control prior to being initially licensed; (2) introduce any  
204 additional function or service into its program of care or expand an  
205 existing function or service; (3) terminate a service or decrease  
206 substantially its total licensed bed capacity; or (4) relocate all or a portion  
207 of such facility's licensed beds, to a new facility or replacement facility,  
208 shall submit a complete request for permission to implement such  
209 transfer, addition, expansion, increase, termination, decrease or  
210 relocation of facility beds to the Department of Social Services with such  
211 information as the department requires, provided no permission or  
212 request for permission to close a facility is required when a facility in  
213 receivership is closed by order of the Superior Court pursuant to section  
214 19a-545. The Commissioner of Social Services shall consider the criteria  
215 in subdivisions (3) and (4) of subsection (a) of section 17b-354, as  
216 amended by this act, when evaluating a certificate of need request to

217 relocate licensed nursing facility beds from an existing facility to another  
218 licensed nursing facility or to a new facility or replacement facility. The  
219 Office of the Long-Term Care Ombudsman pursuant to section 17a-405  
220 shall be notified by the facility of any proposed actions pursuant to this  
221 subsection at the same time the request for permission is submitted to  
222 the department and when a facility in receivership is closed by order of  
223 the Superior Court pursuant to section 19a-545.

224 (c) A facility may submit a petition for closure to the Department of  
225 Social Services. The Department of Social Services may authorize the  
226 closure of a facility if the facility's management demonstrates to the  
227 satisfaction of the Commissioner of Social Services in the petition for  
228 closure that the facility (1) is not viable based on actual and projected  
229 operating losses; (2) has an occupancy rate of less than seventy per cent  
230 of the facility's licensed bed capacity; (3) closure is consistent with the  
231 strategic rebalancing plan developed in accordance with section 17b-  
232 369, including bed need by geographical region; (4) is in compliance  
233 with the requirements of Sections 1128I(h) and 1819(h)(4) of the Social  
234 Security Act and 42 CFR 483.75; and (5) is not providing special services  
235 that would go unmet if the facility closes. The department shall review  
236 a petition for closure to the extent it deems necessary and the facility  
237 shall submit information the department requests or deems necessary  
238 to substantiate that the facility closure is consistent with the provisions  
239 of this subsection. The facility shall submit information the department  
240 requests or deems necessary to allow the department to provide  
241 oversight during this process. The Office of the Long-Term Care  
242 Ombudsman shall be notified by the facility at the same time as a  
243 petition for closure is submitted to the department. Any facility acting  
244 pursuant to this subsection shall provide written notice, on the same  
245 date that the facility submits its petition for closure, to all patients,  
246 guardians or conservators, if any, or legally liable relatives or other  
247 responsible parties, if known, and shall post such notice in a  
248 conspicuous location at the facility. The facility's written notice shall be  
249 accompanied by an informational letter issued jointly from the Office of  
250 the Long-Term Care Ombudsman and the Department of Rehabilitation



251 Services on patients' rights and services available as they relate to the  
252 petition for closure. The informational letter shall also state the date and  
253 time that the Office of the Long-Term Care Ombudsman and the  
254 Department of Public Health will hold an informational session at the  
255 facility for patients, guardians or conservators, if any, and legally liable  
256 relatives or other responsible parties, if known, about their rights and  
257 the process concerning a petition for closure. The notice shall state: (A)  
258 The date the facility submitted the petition for closure, (B) that only the  
259 Department of Social Services has the authority to either grant or deny  
260 the petition for closure, (C) that the Department of Social Services has  
261 up to thirty days to grant or deny the petition for closure, (D) a brief  
262 description of the reason or reasons for submitting the petition for  
263 closure, (E) that no patient shall be involuntarily transferred or  
264 discharged within or from a facility pursuant to state and federal law  
265 because of the filing of a petition for closure, (F) that all patients have a  
266 right to appeal any proposed transfer or discharge, and (G) the name,  
267 mailing address and telephone number of the Office of the Long-Term  
268 Care Ombudsman and local legal aid office. The commissioner shall  
269 grant or deny a petition for closure within thirty days of receiving such  
270 request.

271 (d) An applicant, prior to submitting a certificate of need application,  
272 shall request, in writing, application forms and instructions from the  
273 department. The request shall include: (1) The name of the applicant or  
274 applicants; (2) a statement indicating whether the application is for (A)  
275 a new, additional, expanded or replacement facility, service or function  
276 or relocation of facility beds, (B) a termination or reduction in a  
277 presently authorized service or bed capacity, or (C) any new, additional  
278 or terminated beds and their type; (3) the estimated capital cost; (4) the  
279 town where the project is or will be located; and (5) a brief description  
280 of the proposed project. Such request shall be deemed a letter of intent.  
281 No certificate of need application shall be considered submitted to the  
282 department unless a current letter of intent, specific to the proposal and  
283 in accordance with the provisions of this subsection, has been on file  
284 with the department for not less than ten business days. For purposes of

285 this subsection, "a current letter of intent" means a letter of intent on file  
286 with the department for not more than one hundred eighty days. A  
287 certificate of need application shall be deemed withdrawn by the  
288 department, if a department completeness letter is not responded to  
289 within one hundred eighty days. The Office of the Long-Term Care  
290 Ombudsman shall be notified by the facility at the same time as the letter  
291 of intent is submitted to the department.

292 (e) Any facility acting pursuant to subdivision (3) of subsection (b) of  
293 this section shall provide written notice, at the same time it submits its  
294 letter of intent, to all patients, guardians or conservators, if any, or  
295 legally liable relatives or other responsible parties, if known, and shall  
296 post such notice in a conspicuous location at the facility. The facility's  
297 written notice shall be accompanied by an informational letter issued  
298 jointly from the Office of the Long-Term Care Ombudsman and the  
299 Department of Aging and Disability Services on patients' rights and  
300 services available as they relate to the letter of intent. The notice shall  
301 state the following: (1) The projected date the facility will be submitting  
302 its certificate of need application, (2) that only the Department of Social  
303 Services has the authority to either grant, modify or deny the  
304 application, (3) that the Department of Social Services has up to ninety  
305 days to grant, modify or deny the certificate of need application, (4) a  
306 brief description of the reason or reasons for submitting a request for  
307 permission, (5) that no patient shall be involuntarily transferred or  
308 discharged within or from a facility pursuant to state and federal law  
309 because of the filing of the certificate of need application, (6) that all  
310 patients have a right to appeal any proposed transfer or discharge, and  
311 (7) the name, mailing address and telephone number of the Office of the  
312 Long-Term Care Ombudsman and local legal aid office.

313 (f) The [department] Department of Social Services shall review a  
314 request made pursuant to subsection (b) of this section to the extent it  
315 deems necessary, including, but not limited to, in the case of a proposed  
316 transfer of ownership or control prior to initial licensure, the financial  
317 responsibility and business interests of the transferee and the ability of  
318 the facility to continue to provide needed services, or in the case of the

319 addition or expansion of a function or service, ascertaining the  
320 availability of the function or service at other facilities within the area to  
321 be served, the need for the service or function within the area and any  
322 other factors the department deems relevant to a determination of  
323 whether the facility is justified in adding or expanding the function or  
324 service. During the review, the department may hold an informal  
325 conference with the facility to discuss the certificate of need application.  
326 The [commissioner] Commissioner of Social Services shall grant, modify  
327 or deny the request within ninety days of receipt thereof, except as  
328 otherwise provided in this section. The commissioner may place  
329 conditions, as the commissioner deems necessary to address specified  
330 concerns, on any decision approving or modifying a request for a  
331 certificate of need filed pursuant to this section. Conditions may include,  
332 but are not limited to, project and Medicaid reimbursement details and  
333 applicant requirements for summary and audit purposes. If the  
334 commissioner modifies the request, the commissioner shall notify the  
335 facility of such modification prior to issuing the decision and provide  
336 the applicant with an opportunity for an informal conference to discuss  
337 the modifications. Upon the request of the applicant, the review period  
338 may be extended for an additional fifteen days if the department has  
339 requested additional information subsequent to the commencement of  
340 the commissioner's review period. The director of the office of certificate  
341 of need and rate setting may extend the review period for a maximum  
342 of thirty days if the applicant has not filed in a timely manner  
343 information deemed necessary by the department. The applicant may  
344 request and shall receive a hearing in accordance with section 4-177 if  
345 aggrieved by a decision of the commissioner.

346 (g) The Commissioner of Social Services shall not approve any  
347 requests for beds in residential facilities for persons with intellectual  
348 disability which are licensed pursuant to section 17a-227 and are  
349 certified to participate in the Title XIX Medicaid Program as  
350 intermediate care facilities for individuals with intellectual disabilities,  
351 except those beds necessary to implement the residential placement  
352 goals of the Department of Developmental Services which are within

353 available appropriations.

354 (h) The Commissioner of Social Services shall adopt regulations, in  
355 accordance with chapter 54, to implement the provisions of this section.

356 Sec. 506. Subsections (c) and (d) of section 17b-353 of the general  
357 statutes are repealed and the following is substituted in lieu thereof  
358 (*Effective July 1, 2022*):

359 (c) In conducting its activities pursuant to this section, section 17b-  
360 352, as amended by this act, or both, except as provided for in subsection  
361 (d) of this section, the Commissioner of Social Services or said  
362 commissioner's designee may hold a public hearing on an application  
363 or on more than one application, if such applications are of a similar  
364 nature with respect to the request. At least two weeks' notice of the  
365 hearing shall be given to the facility by certified mail and to the public  
366 by publication in a newspaper having a substantial circulation in the  
367 area served by the facility. Such hearing shall be held at the discretion  
368 of the commissioner in Hartford or in the area so served. Prior to the  
369 hearing, the department may hold an informal conference with the  
370 facility to discuss the certificate of need application. The commissioner  
371 or the commissioner's designee shall consider such request in relation to  
372 the community or regional need for such capital program or purchase  
373 of land, the possible effect on the operating costs of the facility and such  
374 other relevant factors as the commissioner or the commissioner's  
375 designee deems necessary. In approving or modifying such request, the  
376 commissioner or the commissioner's designee may not prescribe any  
377 condition, such as, but not limited to, any condition or limitation on the  
378 indebtedness of the facility in connection with a bond issued, the  
379 principal amount of any bond issued or any other details or particulars  
380 related to the financing of such capital expenditure, not directly related  
381 to the scope of such capital program and within the control of the  
382 facility. If the hearing is conducted by a designee of the commissioner,  
383 the designee shall submit any findings and recommendations to the  
384 commissioner. If the designee recommends denial of the request, the  
385 designee shall issue a proposed final decision in accordance with section

386 4-179. The commissioner shall grant, modify or deny such request  
387 within ninety days, except as provided for in this section. The  
388 commissioner may place conditions, as the commissioner deems  
389 necessary to address specified concerns, on any decision approving or  
390 modifying a request for a certificate of need filed pursuant to this  
391 section. Conditions may include, but are not limited to, project and  
392 Medicaid reimbursement details and applicant requirements for  
393 summary and audit purposes. Upon the request of the applicant, the  
394 review period may be extended for an additional fifteen days if the  
395 commissioner or the commissioner's designee has requested additional  
396 information subsequent to the commencement of the review period. The  
397 commissioner or the commissioner's designee may extend the review  
398 period for a maximum of thirty days if the applicant has not filed in a  
399 timely manner information deemed necessary by the commissioner or  
400 the commissioner's designee.

401 (d) Except as provided in this subsection, no facility shall be allowed  
402 to close or decrease substantially its licensed total bed capacity until  
403 such time as a public hearing has been held in accordance with the  
404 provisions of this subsection and the Commissioner of Social Services  
405 has approved the facility's request unless such decrease is associated  
406 with a census reduction. The commissioner may impose a civil penalty  
407 of not more than five thousand dollars on any facility that fails to  
408 comply with the provisions of this subsection. Penalty payments  
409 received by the commissioner pursuant to this subsection shall be  
410 deposited in the special fund established by the department pursuant to  
411 subsection (c) of section 17b-357 and used for the purposes specified in  
412 said subsection (c). The commissioner or the commissioner's designee  
413 shall hold a public hearing [upon the earliest occurrence of: (1) Receipt  
414 of any letter of intent submitted by a facility to the department, or (2)]  
415 not later than thirty days after the receipt of any certificate of need  
416 application. Such hearing shall be held at the facility for which the [letter  
417 of intent or] certificate of need application was submitted. [not later than  
418 thirty days after the date on which such letter or application was  
419 received by the commissioner.] The commissioner or the

420 commissioner's designee shall provide both the facility and the public  
421 with notice of the date of the hearing not less than [fourteen] ten days in  
422 advance of such date. Notice to the facility shall be [by certified mail]  
423 sent via electronic mail or first-class mail and notice to the public shall  
424 be by publication in a newspaper having a substantial circulation in the  
425 area served by the facility. The provisions of this subsection shall not  
426 apply to any certificate of need approval requested for the relocation of  
427 a facility, or a portion of a facility's licensed beds, to a new or  
428 replacement facility.

429 Sec. 507. Subsection (a) of section 17b-354 of the general statutes is  
430 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
431 *2022*):

432 (a) The Department of Social Services shall not accept or approve any  
433 requests for additional nursing home beds, except (1) beds restricted to  
434 use by patients with acquired immune deficiency syndrome or by  
435 patients requiring neurological rehabilitation; (2) beds associated with a  
436 continuing care facility, as described in section 17b-520, provided such  
437 beds are not used in the Medicaid program, [and the ratio of proposed  
438 nursing home beds to the continuing care facility's independent living  
439 units is within applicable industry standards.] For the purpose of this  
440 subsection, beds associated with a continuing care facility are not subject  
441 to the certificate of need provisions pursuant to sections 17b-352, as  
442 amended by this act, and 17b-353, as amended by this act; (3) Medicaid  
443 certified beds to be relocated from one licensed nursing facility to  
444 another licensed nursing facility to meet a priority need identified in the  
445 strategic plan developed pursuant to subsection (c) of section 17b-369;  
446 [and] (4) licensed Medicaid nursing facility beds to be relocated from  
447 one or more existing nursing facilities to a new nursing facility,  
448 including a replacement facility, provided (A) no new Medicaid  
449 certified beds are added, (B) at least one currently licensed facility is  
450 closed in the transaction as a result of the relocation, (C) the relocation  
451 is done within available appropriations, (D) the facility participates in  
452 the Money Follows the Person demonstration project pursuant to  
453 section 17b-369, (E) the availability of beds in the area of need will not

454 be adversely affected, (F) the certificate of need approval for such new  
455 facility or facility relocation and the associated capital expenditures are  
456 obtained pursuant to sections 17b-352, as amended by this act, and 17b-  
457 353, as amended by this act, and (G) the facilities included in the bed  
458 relocation and closure shall be in accordance with the strategic plan  
459 developed pursuant to subsection (c) of section 17b-369; and (5)  
460 proposals to build a nontraditional, small-house style nursing home  
461 designed to enhance the quality of life for nursing facility residents,  
462 provided that the nursing facility agrees to reduce its total number of  
463 licensed beds by a percentage determined by the Commissioner of  
464 Social Services in accordance with the department's strategic plan for  
465 long-term care.

466 Sec. 508. Section 17b-355 of the general statutes is repealed and the  
467 following is substituted in lieu thereof (*Effective July 1, 2022*):

468 In determining whether a request submitted pursuant to sections  
469 17b-352 to 17b-354, inclusive, as amended by this act, will be granted,  
470 modified or denied, the Commissioner of Social Services shall consider  
471 the following: The [relationship of the request to the state health plan,  
472 the] financial feasibility of the request and its impact on the applicant's  
473 rates and financial condition, the contribution of the request to the  
474 quality, accessibility and cost-effectiveness of [health care delivery] the  
475 delivery of long-term care in the region, whether there is clear public  
476 need for the request, the relationship of any proposed change to the  
477 applicant's current utilization statistics and the effect of the proposal on  
478 the utilization statistics of other facilities in the applicant's service area,  
479 the business interests of all owners, partners, associates, incorporators,  
480 directors, sponsors, stockholders and operators and the personal  
481 background of such persons, and any other factor which the  
482 [department] Department of Social Services deems relevant. [Whenever  
483 the granting, modification or denial of a request is inconsistent with the  
484 state health plan, a written explanation of the reasons for the  
485 inconsistency shall be included in the decision. In considering whether  
486 there is clear public need for any request for additional nursing home  
487 beds associated with a continuing care facility submitted pursuant to

488 section 17b-354, the commissioner shall only consider the need for beds  
489 for current and prospective residents of the continuing care facility.] In  
490 considering whether there is clear public need for any request for the  
491 relocation of beds to a replacement facility, the commissioner shall  
492 consider whether there is a demonstrated bed need in the towns within  
493 a fifteen-mile radius of the town in which the beds are proposed to be  
494 located and whether the availability of beds in the applicant's service  
495 area will be adversely affected. Any proposal to relocate nursing home  
496 beds from an existing facility to a new facility shall not increase the  
497 number of Medicaid certified beds and shall result in the closure of at  
498 least one currently licensed facility. The commissioner may request that  
499 any applicant seeking to replace an existing facility reduce the number  
500 of beds in the new facility by a percentage that is consistent with the  
501 department's strategic plan for long-term care. If an applicant seeking to  
502 replace an existing facility with a new facility owns or operates more  
503 than one nursing facility, the commissioner may request that the  
504 applicant close two or more facilities before approving the proposal to  
505 build a new facility. The commissioner shall also consider whether an  
506 application to establish a new or replacement nursing facility proposes  
507 a nontraditional, small-house style nursing facility and incorporates  
508 goals for nursing facilities referenced in the department's strategic plan  
509 for long-term care, including, but not limited to, (1) promoting person-  
510 centered care, (2) providing enhanced quality of care, (3) creating  
511 community space for all nursing facility residents, and (4) developing  
512 stronger connections between the nursing facility residents and the  
513 surrounding community. Bed need shall be based on the recent  
514 occupancy percentage of area nursing facilities and the projected bed  
515 need for no more than five years into the future at ninety-seven and one-  
516 half per cent occupancy using the latest official population projections  
517 by town and age as published by the Office of Policy and Management  
518 and the latest available state-wide nursing facility utilization statistics  
519 by age cohort from the Department of Public Health. The commissioner  
520 may also consider area specific utilization and reductions in utilization  
521 rates to account for the increased use of less institutional alternatives."



This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2022</i>	17b-688c(b)
Sec. 502	<i>from passage</i>	1-24
Sec. 503	<i>July 1, 2022</i>	46b-171(b)
Sec. 504	<i>from passage</i>	New section
Sec. 505	<i>July 1, 2022</i>	17b-352
Sec. 506	<i>July 1, 2022</i>	17b-353(c) and (d)
Sec. 507	<i>July 1, 2022</i>	17b-354(a)
Sec. 508	<i>July 1, 2022</i>	17b-355