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## OLR Bill Analysis

sSB 930 (File 99, as amended by Senate "A")\*

### ***AN ACT REQUIRING NOTICE OF A PROPOSED INVOLUNTARY TRANSFER OR DISCHARGE OF A NURSING FACILITY RESIDENT TO THE STATE OMBUDSMAN.***

#### **SUMMARY**

This bill requires nursing homes to notify the Long-Term Care Ombudsman of a resident's involuntarily transfer or discharge on the same day the nursing home notifies the resident. The ombudsman must prescribe how to provide the notification.

By law, nursing homes must give residents and their representatives written notification about a discharge or transfer at least 30 days in advance, including information on the appeals process and the ombudsman's contact information. Under the bill, nursing homes must also notify the ombudsman on the same date if the transfer or discharge is involuntary. If a nursing home fails to do so, the involuntary transfer or discharge is invalidated and cannot go forward.

The bill also requires managed residential communities (MRCs) that offer assisted living services to encourage and help establish family councils by January 1, 2024. Under the bill, family councils are self-determined, independent groups of family members and friends who (1) advocate for an MRC's residents' needs and interests and (2) facilitate open communication between the MRC administration, residents, and residents' family and friends. A resident's family member or friend cannot participate in a council without the resident's consent unless the resident lives in a dementia special care unit.

\*Senate Amendment "A" adds a new provision requiring MRCs to encourage and help establish family councils.

EFFECTIVE DATE: Upon passage, except that the provisions requiring MRCs to encourage establishment of family councils take

effect on October 1, 2023.

## **BACKGROUND**

### ***Related Bill***

sSB 902 (File 78), reported favorably by the Aging Committee, contains identical provisions on family councils.

### ***Involuntary Transfers and Discharges***

Under federal and state law, nursing homes cannot transfer or discharge a resident unless the (1) facility cannot provide the resident adequate care, (2) resident's health has improved to the point that he or she no longer needs the home's services, (3) health or safety of people in the facility are endangered, (4) resident failed to pay for care after reasonable notice, or (5) facility closes (42 C.F.R. § 483.15(c), CGS § 19a-535(b)).

## **COMMITTEE ACTION**

Aging Committee

Joint Favorable Substitute

Yea 15 Nay 0 (02/28/2023)