
OLR Bill Analysis

sSB 989 (File 554, as amended by Senate “A”)*

AN ACT CONCERNING NURSING HOME AIR CONDITIONING, COST REPORTING TRANSPARENCY, WAITING LIST REQUIREMENTS, INVOLUNTARY PATIENT TRANSFER NOTICES AND TRANSPORTATION FOR RESIDENT SOCIAL VISITS.

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Requires nursing homes to provide air conditioning in every resident room by January 1, 2026; requires DPH to review and report to the legislature on this topic before the requirement takes effect; and creates a working group to make recommendations on financing air conditioning projects and a revolving loan account within CHEFA to help nursing home owners pay to install resident air conditioning systems

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Allows nursing homes to transport residents to their family members' homes under certain conditions and requires DSS to report on transportation as a health-related social need and potential federal funding for it

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§ 6 — ADMISSIONS FROM CORRECTIONAL FACILITIES

Requires certain nursing home administrators to conduct background checks and ensure compliance with state sexual offender registry requirements when admitting out-of-state inmates or parolees

SUMMARY

The bill makes several changes in laws affecting nursing homes to address air conditioning requirements, transportation, waitlists, and background checks, as described in the section-by-section analysis below.

*Senate Amendment “A” principally (1) adds provisions creating a working group on financing nursing home air conditioning and

requiring background checks when admitting out-of-state inmates and parolees to certain nursing home facilities; (2) moves up the deadline for the air conditioning report from the Department of Public Health (DPH) by one year from January 1, 2025, to January 1, 2024; (3) requires CHEFA to additionally submit its report on its air conditioning assistance account to the Appropriations and Finance, Revenue and Bonding committees; (3) changes the membership and leadership for the nursing home waitlist working group; and (4) removes provisions in the underlying bill that would have (a) authorized the Department of Social Services (DSS) to establish a grant program to fund nonemergency transportation, (b) required additional notice for involuntary transfers by nursing homes, (c) required nursing homes to submit expenditure summaries to DSS, and (d) broadened nursing home related party cost reporting requirements.

EFFECTIVE DATE: Various, see below.

§§ 1-3 — AIR CONDITIONING IN NURSING HOMES

Requires nursing homes to provide air conditioning in every resident room by January 1, 2026; requires DPH to review and report to the legislature on this topic before the requirement takes effect; and creates a working group to make recommendations on financing air conditioning projects and a revolving loan account within CHEFA to help nursing home owners pay to install resident air conditioning systems

The bill requires nursing homes, by January 1, 2026, to provide air conditioning in every resident room. (It expressly exempts residential care homes from this requirement.) Before the requirement takes effect, the bill requires DPH to review each nursing home to determine which homes do not currently do this and report specified information on these homes to the Aging, Appropriations, Human Services, and Public Health committees by January 1, 2024.

Additionally, the bill creates a (1) working group to make recommendations on financing nursing home capital improvement projects to ensure air conditioning in every resident room and (2) revolving loan account within the Connecticut Health and Educational Facilities Authority (CHEFA) to help nursing home owners pay to install the resident air conditioning systems.

EFFECTIVE DATE: Upon passage, except the working group provisions are effective January 1, 2024, and provisions on CHEFA's revolving loan account are effective October 1, 2024.

DPH Review and Report

The bill requires DPH to review each nursing home to determine which homes already have air conditioning in all resident rooms. Those homes that do not must report the following information to DPH as the commissioner prescribes:

1. whether and how the nursing home can adequately control the climate in resident rooms,
2. feasible air conditioning system options to install at the nursing home, and
3. the cost and physical plant needs for providing air conditioning in each resident room and any other impediments to doing so.

The bill requires DPH to report on this information to the Aging, Appropriations, Human Services, and Public Health committees by January 1, 2024.

Working Group on Financing

The bill creates a six-member working group to make recommendations on financing nursing home facility capital improvement projects to ensure that air conditioning is available in every resident room. The working group includes the following members (or, for ex-officio members, their designees):

1. the CHEFA executive director;
2. the public health and social services commissioners;
3. the State Ombudsman (i.e., presumably, the State Long Term Care Ombudsman);
4. a nonprofit nursing home organization representative, appointed by the social services commissioner; and

5. a for-profit nursing home organization representative, appointed by the public health commissioner.

Under the bill, the working group's cochairs are the public health commissioner and the CHEFA executive director, or their designees. The bill requires the working group to (1) hold its first meeting by February 1, 2024, and (2) consider DPH's report (see above) when developing its recommendations.

The bill also requires the working group to report by October 1, 2024, to the Aging; Appropriations; Finance, Revenue and Bonding; Human Services; and Public Health committees on the following:

1. the estimated amount and type of state financial assistance needed for nursing homes to provide air conditioning in every patient room; and
2. if state funding is deemed necessary, recommendations on criteria to provide the funding to nursing homes and reporting requirements for nursing homes on their use of it.

CHEFA Revolving Loan Account

Under the bill, the revolving loan account must contain (1) moneys provided or required by law to be deposited into it and (2) public or private contributions CHEFA accepts.

The bill subjects the loans' terms and conditions to eligibility, loan approval, credit, and other underwriting requirements and criteria that CHEFA determines are reasonable given the program's purpose. When making these determinations, CHEFA must take the working group's recommendations into account. To implement the program, CHEFA may use its existing powers and must adopt written procedures following notice requirements for quasi-public agencies.

The bill prohibits CHEFA from issuing new loans to nursing homes after January 1, 2026, once the air conditioning requirement takes effect. At that time, it may withdraw any remaining account funds and use them for other purposes, subject to any restrictions on account

contributions.

By law, CHEFA generally assists higher education institutions, healthcare institutions, nursing homes, child care or child development facilities, and qualified nonprofit organizations with construction, financing, or refinancing projects, or in other ways authorized by law (CGS § 10a-180).

CHEFA Report

The bill requires CHEFA to report the following information to the Aging; Appropriations; Finance, Revenue and Bonding; Human Services; and Public Health committees by January 1, 2026:

1. a list of program loans issued and a general description of their terms, conditions, and repayment history;
2. an assessment of their impact on nursing homes' compliance with the bill's air conditioning requirement;
3. the need for additional program funding; and
4. other information CHEFA deems relevant to evaluate the program's success in meeting its objectives.

Background — Nursing Home Minimum Temperature Standards

DPH regulations set minimum temperature requirements of 75 degrees in areas that residents use and at least 70 degrees in all other occupied areas (Conn. Agencies Regs., § 19-13-D8t(d)(4)).

§ 4 — NURSING HOME TRANSPORTATION FOR NONAMBULATORY RESIDENTS

Allows nursing homes to transport residents to their family members' homes under certain conditions and requires DSS to report on transportation as a health-related social need and potential federal funding for it

The bill allows nursing homes to transport nonambulatory residents (i.e., those unable to walk) to their family members' homes if:

1. a licensed physician, physician's assistant, or advanced practice registered nurse approves it at least five business days in

advance;

2. the nursing home has available vehicles equipped to transport the residents; and
3. the family members live within 15 miles of the nursing home.

The bill also requires the social services commissioner to evaluate if (1) the need for this transportation would qualify as a health-related social need (i.e., a health need derived from an adverse social condition that contributes to poor health and health disparities) and (2) there is any available federal funding for the transportation. She must report on the evaluation to the Council on Medical Assistance Program Oversight (MAPOC) by October 1, 2023.

EFFECTIVE DATE: July 1, 2023

§ 5 — NURSING HOME WAITLIST WORKING GROUP

Requires the Long-Term Care Ombudsman and the DPH commissioner to convene a working group to recommend revisions to nursing home waitlist requirements and report to the Human Services and Public Health committees

The bill requires the Long-Term Care Ombudsman and the public health and social services commissioners to convene a working group to recommend revisions to existing law's nursing home waitlist requirements (CGS § 19a-533). The Long-Term Care Ombudsman and the DSS commissioner, or their designees, serve as the working group's chairpersons. Working group members also include the DPH commissioner, or her designee, and at least two nursing home industry representatives appointed by the DSS commissioner.

The bill requires the working group to meet at least monthly. Under the bill, the working group must report its recommended changes to the waiting list requirements (e.g., authorizing nursing homes to maintain waiting lists electronically) by January 1, 2024, to the Human Services and Public Health committees.

EFFECTIVE DATE: Upon passage

§ 6 — ADMISSIONS FROM CORRECTIONAL FACILITIES

Requires certain nursing home administrators to conduct background checks and ensure compliance with state sexual offender registry requirements when admitting out-of-state inmates or parolees

Existing law allows the DSS, Department of Correction, and Department of Mental Health and Addiction Services (DMHAS) commissioners to contract for nursing home care for people who require a nursing home level of care and (1) are transitioning from a correctional facility in the state or (2) receive DMHAS services (CGS § 17b-372a).

The bill requires administrators for nursing homes that contract with the state under this law to take certain actions when admitting an inmate being released from a correctional facility in another state or a parolee from another state. Specifically, the bill requires them to (1) conduct a comprehensive criminal history records check, including checking the federal National Sex Offender Public Website for crimes the inmate or parolee committed in any state and (2) ensure that the inmate or parolee comply with state sexual offender registration requirements if the offense requires registration.

EFFECTIVE DATE: July 1, 2023

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 20 Nay 1 (03/28/2023)

Judiciary Committee

Joint Favorable

Yea 34 Nay 3 (05/09/2023)