



Senate

General Assembly

File No. 99

January Session, 2023

Substitute Senate Bill No. 930

Senate, March 16, 2023

The Committee on Aging reported through SEN. HOCHADEL of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Subsection (c) of section 19a-535 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (c) (1) Before effecting any transfer or discharge of a resident from the
5 facility, the facility shall notify, in writing, the resident and the resident's
6 guardian or conservator, if any, or legally liable relative or other
7 responsible party if known, of the proposed transfer or discharge, the
8 reasons therefor, the effective date of the proposed transfer or discharge,
9 the location to which the resident is to be transferred or discharged, the
10 right to appeal the proposed transfer or discharge and the procedures
11 for initiating such an appeal as determined by the Department of Social
12 Services, the date by which an appeal must be initiated in order to
13 preserve the resident's right to an appeal hearing and the date by which

14 an appeal must be initiated in order to stay the proposed transfer or
15 discharge and the possibility of an exception to the date by which an
16 appeal must be initiated in order to stay the proposed transfer or
17 discharge for good cause, that the resident may represent himself or
18 herself or be represented by legal counsel, a relative, a friend or other
19 spokesperson, and information as to bed hold and nursing home
20 readmission policy when required in accordance with section 19a-537.
21 The notice shall also include the name, mailing address and telephone
22 number of the State Long-Term Care Ombudsman. If the resident is, or
23 the facility alleges a resident is, mentally ill or developmentally
24 disabled, the notice shall include the name, mailing address and
25 telephone number of the nonprofit entity designated by the Governor in
26 accordance with section 46a-10b to serve as the Connecticut protection
27 and advocacy system. The notice shall be given at least thirty days and
28 no more than sixty days prior to the resident's proposed transfer or
29 discharge, except where the health or safety of individuals in the facility
30 are endangered, or where the resident's health improves sufficiently to
31 allow a more immediate transfer or discharge, or where immediate
32 transfer or discharge is necessitated by urgent medical needs or where
33 a resident has not resided in the facility for thirty days, in which cases
34 notice shall be given as many days before the transfer or discharge as
35 practicable.

36 (2) The resident may initiate an appeal pursuant to this section by
37 submitting a written request to the Commissioner of Social Services not
38 later than sixty calendar days after the facility issues the notice of the
39 proposed transfer or discharge, except as provided in subsection (h) of
40 this section. In order to stay a proposed transfer or discharge, the
41 resident must initiate an appeal not later than twenty days after the date
42 the resident receives the notice of the proposed transfer or discharge
43 from the facility unless the resident demonstrates good cause for failing
44 to initiate such appeal within the twenty-day period.

45 (3) On the date that the facility provides notice of a proposed
46 involuntary transfer or discharge of a resident pursuant to the
47 provisions of subdivision (1) of this subsection, the facility shall notify

48 the State Ombudsman, appointed pursuant to section 17a-870, in a
 49 manner prescribed by the State Ombudsman, of such proposed
 50 involuntary transfer or discharge. Failure to provide notice to the State
 51 Ombudsman pursuant to the provisions of this subdivision shall
 52 invalidate any notice of the proposed involuntary transfer or discharge
 53 of a resident submitted pursuant to the provisions of subdivision (1) of
 54 this subsection.

55 Sec. 2. Subsection (k) of section 19a-535 of the general statutes is
 56 repealed and the following is substituted in lieu thereof (*Effective from*
 57 *passage*):

58 (k) [A] Except as otherwise provided pursuant to subdivision (3) of
 59 subsection (c) of this section, a facility shall electronically report each
 60 involuntary transfer or discharge to the State Ombudsman, appointed
 61 pursuant to section [17a-405] 17a-870, (1) in a manner prescribed by the
 62 State Ombudsman, and (2) on an Internet web site portal maintained by
 63 the State Ombudsman in accordance with patient privacy provisions of
 64 the Health Insurance Portability and Accountability Act of 1996, P.L.
 65 104-191, as amended from time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-535(c)
Sec. 2	<i>from passage</i>	19a-535(k)

Statement of Legislative Commissioners:

In Section 1(c)(3), "pursuant to section 17a-405" was changed to "pursuant to section 17a-870" for accuracy and Section 2 was added for statutory consistency.

AGE Joint Favorable Subst.

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:** None**Municipal Impact:** None**Explanation**

The bill, which requires nursing homes to notify the Long-Term Care Ombudsman of a resident's involuntary transfer or discharge on the same day the nursing home notifies the resident, is not expected to have any fiscal impact to the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 930*****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.

EFFECTIVE DATE: Upon passage

BACKGROUND***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)