



General Assembly

January Session, 2023

Raised Bill No. 930

LCO No. 3401



Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT REQUIRING NOTICE OF A PROPOSED TRANSFER OR DISCHARGE OF A NURSING HOME 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2 repealed and the following is substituted in lieu thereof (*Effective from*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 the proposed
46 transfer or discharge of a resident pursuant to the provisions of
47 subdivision (1) of this subsection, the facility shall notify the State
48 Ombudsman, appointed pursuant to section 17a-405, in a manner

49 prescribed by the State Ombudsman, of such proposed transfer or
50 discharge. Failure to provide notice to the State Ombudsman pursuant
51 to the provisions of this subdivision shall invalidate any notice of the
52 proposed transfer or discharge of a resident submitted provided
53 pursuant to the provisions of subdivision (1) of this subsection.

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

Statement of Purpose:

To require nursing home facilities to notify the State Ombudsman of a proposed transfer or discharge of a resident.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]