



General Assembly

Amendment

January Session, 2023

LCO No. 8773



Offered by:

SEN. LESSER, 9th Dist.
REP. GILCHREST, 18th Dist.
SEN. SEMINARA, 8th Dist.

To: Subst. Senate Bill No. 989

File No. 554

Cal. No. 326

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 19a-522a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The Department of Public Health shall conduct a review of each
6 nursing home facility, as defined in section 19a-490, to determine which
7 such facilities have air conditioning in all resident rooms. For those
8 facilities that do not have air conditioning in all resident rooms, each
9 such facility shall report to the Department of Public Health in a time
10 and manner prescribed by the Commissioner of Public Health:

11 (1) Whether and how such facility is able to adequately control the

12 climate in resident rooms;

13 (2) What air conditioning system options are feasible for installation
14 at such facility;

15 (3) The cost and physical plant needs involved in providing air
16 conditioning in each resident room; and

17 (4) Other impediments to providing air conditioning in each resident
18 room.

19 (b) Not later than January 1, 2024, the Department of Public Health
20 shall submit a report, in accordance with the provisions of section 11-4a,
21 to the joint standing committees of the General Assembly having
22 cognizance of matters relating to aging, appropriations and the budgets
23 of state agencies, human services and public health on (1) the number of
24 such facilities without air conditioning in all resident rooms, (2) how
25 many such facilities are able to adequately control the temperature and
26 humidity levels in resident rooms, (3) the overall costs for nursing home
27 facilities without air conditioning in every resident room to provide air
28 conditioning in such rooms, and (4) any impediments to providing air
29 conditioning in all resident rooms at specific nursing homes.

30 (c) A chronic and convalescent nursing home or a rest home with
31 nursing supervision may maintain temperatures in resident rooms and
32 other areas used by residents at such facilities at levels that are lower
33 than minimum temperature standards prescribed in the Public Health
34 Code provided temperature levels at such facilities comply with the
35 comfortable and safe temperature standards prescribed under federal
36 law pursuant to 42 CFR 483.15(h)(6). In accordance with section 19a-36,
37 the Commissioner of Public Health shall amend the Public Health Code
38 in conformity with the provisions of this section.

39 (d) The provisions of this section shall not apply to residential care
40 homes, as defined in section 19a-490.

41 (e) Not later than January 1, 2026, each nursing home in the state shall

42 provide air conditioning in every resident room.

43 Sec. 2. (*Effective January 1, 2024*) (a) There is established a working
44 group to make recommendations concerning financing nursing home
45 facility capital improvement projects to ensure that air conditioning is
46 available in every resident room. The working group shall consist of the
47 executive director of the Connecticut Health and Educational Facilities
48 Authority, or the executive director's designee; the Commissioners of
49 Public Health and Social Services, or the commissioners' designees; the
50 State Ombudsman, or the State Ombudsman's designee; a
51 representative of an organization representing nonprofit nursing
52 homes, appointed by the Commissioner of Social Services; and a
53 representative of an organization representing for-profit nursing homes,
54 appointed by the Commissioner of Public Health.

55 (b) The chairpersons of the working group shall be the Commissioner
56 of Public Health, or the commissioner's designee, and the executive
57 director of the Connecticut Health and Educational Facilities Authority,
58 or the executive director's designee. The first meeting of the working
59 group shall be held not later than February 1, 2024. The working group
60 shall review the report on nursing home air conditioning submitted by
61 the Commissioner of Public Health pursuant to section 19a-522a of the
62 general statutes, as amended by this act, in developing its
63 recommendations.

64 (c) Not later than October 1, 2024, the chairpersons of the working
65 group shall file a report, in accordance with the provisions of section 11-
66 4a of the general statutes, with the joint standing committees of the
67 General Assembly having cognizance of matters relating to aging,
68 appropriations and the budgets of state agencies, finance, revenue and
69 bonding, human services, and public health. The report shall include,
70 but need not be limited to: (1) The estimated amount of any state
71 financial assistance needed for nursing homes to provide air
72 conditioning in every patient room, (2) the type of financial assistance
73 that may be needed, and (3) if state funding is deemed necessary,
74 recommendations concerning criteria for providing such funding to

75 nursing homes and reporting requirements for nursing homes on the
76 use of such funding.

77 Sec. 3. (NEW) (*Effective October 1, 2024*) (a) There is established, within
78 the Connecticut Health and Educational Facilities Authority, a
79 revolving loan account for the purpose of providing financial assistance
80 to an owner of a nursing home facility, as defined in section 19a-490 of
81 the general statutes, for costs incurred to install an air conditioning
82 system in each resident room.

83 (b) The revolving loan account shall contain any moneys provided or
84 required by law to be deposited in the account. The authority may
85 accept contributions from any source, public or private, for deposit in
86 the account for purposes of the loan program.

87 (c) Loans made pursuant to this section shall have such terms and
88 conditions and shall be subject to such eligibility, loan approval, credit
89 and other underwriting requirements and criteria as are determined by
90 the authority to be reasonable in light of the purpose of the loan
91 program. In making determinations pursuant to this subsection, the
92 authority shall take into account the recommendations of the working
93 group established pursuant to section 2 of this section.

94 (d) On or before January 1, 2026, the authority shall submit to the joint
95 standing committees of the General Assembly having cognizance of
96 matters relating to aging, appropriations and the budgets of state
97 agencies, finance, revenue and bonding, human services and public
98 health a report, in accordance with section 11-4a of the general statutes,
99 setting forth the following information: (1) A list of the loans made
100 under the program, a general description of the terms and conditions of
101 such loans and the repayment history; (2) an assessment of the impact
102 of such loans on compliance with any requirements for nursing home
103 facilities to provide an air conditioning system in each resident room;
104 (3) the need for additional funding for the loan program authorized by
105 this section; and (4) such other information as the authority deems
106 relevant to evaluating the success of the loan program in meeting its

107 objectives.

108 (e) In connection with the making and administration of loans
109 pursuant to this section, the authority shall have and may exercise such
110 powers as are necessary or appropriate to carry out the purposes of this
111 section, including the same powers expressly granted to the authority
112 in section 10a-180 of the general statutes with respect to other loans.

113 (f) No new loan may be made pursuant to this section after January
114 1, 2026, and any moneys then remaining in, or thereafter received to the
115 credit of, the account established in subsection (b) of this section may be
116 withdrawn by the authority from such account and used for other
117 purposes of the authority, subject to specific restrictions governing any
118 contribution to such account pursuant to subsection (b) of this section.

119 (g) The authority shall adopt written procedures, in accordance with
120 section 1-121 of the general statutes, to carry out the provisions of this
121 section.

122 Sec. 4. (NEW) (*Effective July 1, 2023*) (a) Any nursing home facility, as
123 defined in section 19a-490 of the general statutes, with available vehicles
124 equipped to transport nonambulatory residents, may provide
125 nonemergency transportation of such residents to the homes of such
126 residents' family members, provided: (1) Such family members live
127 within fifteen miles of the nursing home facility, and (2) such
128 transportation is approved not less than five business days in advance
129 by a physician or physician's assistant, licensed pursuant to chapter 370
130 of the general statutes, or an advanced practice registered nurse licensed
131 pursuant to chapter 378 of the general statutes.

132 (b) The Commissioner of Social Services shall evaluate whether the
133 need for such transportation would qualify as a health-related social
134 need and file a report not later than October 1, 2023, with the Council on
135 Medical Assistance Program Oversight on such evaluation and
136 potential federal funding that may be available for such transportation.
137 For purposes of this subsection, "health-related social need" means a
138 health need deriving from an adverse social condition that contributes

139 to poor health and health disparities, including, but not limited to, the
140 need for reliable transportation.

141 Sec. 5. (*Effective from passage*) (a) The State Ombudsman, appointed
142 pursuant to section 17a-870 of the general statutes, and the
143 Commissioners of Public Health and Social Services shall convene a
144 working group concerning any revisions necessary to nursing home
145 waiting list requirements as described in section 19a-533 of the general
146 statutes. The working group shall include, but need not be limited to,
147 the State Ombudsman, or the State Ombudsman's designee; the
148 Commissioners of Public Health and Social Services, or their designees;
149 and not fewer than two representatives of the nursing home industry,
150 appointed by the Commissioner of Social Services.

151 (b) The State Ombudsman, or the State Ombudsman's designee, and
152 the Commissioner of Social Services, or the commissioner's designee,
153 shall serve as chairpersons of the working group, which shall meet not
154 less than once monthly. Not later than January 1, 2024, the State
155 Ombudsman and the Commissioners of Public Health and Social
156 Services shall file a report, in accordance with section 11-4a of the
157 general statutes, with the joint standing committees of the General
158 Assembly having cognizance of matters relating to human services and
159 public health with recommendations concerning any changes to the
160 waiting list requirements, including, but not limited to, authorizing
161 nursing homes to maintain waiting lists in electronic form.

162 Sec. 6. (NEW) (*Effective July 1, 2023*) The administrator of any nursing
163 home facility contracting with the state pursuant to section 17b-372a of
164 the general statutes that accepts for admission an inmate being released
165 from a correctional facility in another state or a parolee from another
166 state shall (1) conduct a comprehensive criminal history records check,
167 including, but not limited to, a check of the United States Department of
168 Justice's National Sex Offender Public Website for crimes committed by
169 such inmate or parolee in any state, and (2) ensure that any such inmate
170 or parolee, whose offenses require registration pursuant to chapter 969
171 of the general statutes, shall complete registration requirements

172 pursuant to said chapter."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-522a
Sec. 2	<i>January 1, 2024</i>	New section
Sec. 3	<i>October 1, 2024</i>	New section
Sec. 4	<i>July 1, 2023</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>July 1, 2023</i>	New section