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## **OLR Bill Analysis**

### **sHB 5457 (as amended by House "A")\***

#### ***AN ACT CONCERNING NURSING HOME WAITING LISTS.***

#### **SUMMARY**

This bill makes various changes to waiting list requirements for Medicaid-certified nursing homes. Current law generally requires nursing homes to (1) admit residents on a first-come, first-served basis, regardless of their payment source; (2) keep waiting lists of and admit applicants in the order they are received, with certain exceptions (e.g., when an applicant directly transfers from a home that is closing); and (3) send applicants who ask to be placed on the waiting list receipts that indicate the time and date of the request. The bill specifies that nursing homes must take these actions after accepting a “substantially completed” admissions application.

Additionally, the bill does the following:

1. allows nursing homes to keep electronic waiting lists and requires them to do so by July 1, 2025 (current regulation requires nursing homes to keep waiting lists in a single, bound book);
2. requires nursing homes to note on the waiting list whenever they pass over an applicant and include the date and reason for doing so;
3. requires nursing homes to develop and implement waiting list policies and procedures that include, among other things, the information required to deem an admissions application “substantially completed”;
4. allows nursing homes to provide admissions applications to prospective residents electronically or by posting them on their websites, instead of only by mail as required under current

regulation;

5. allows nursing homes, when communicating with applicants about continuing their waiting list placement, to do so by email, instead of only by letter, as under current law;
6. specifies that nursing homes are not required to maintain a list of inquiries from prospective residents who have not submitted a substantially completed application or give them a receipt for their inquiry, which current regulation requires;
7. requires nursing homes to maintain their daily roster of residents by payment source (i.e., Medicare, Medicaid, or private pay) electronically, instead of in a single bound volume, as required under current regulation; and
8. requires nursing homes to give the Department of Social Services and the Long-Term Care Ombudsman access to all records they request for an investigation by, or on behalf of, an applicant related to an admissions denial.

The bill also makes technical and conforming changes.

\*House Amendment "A" requires nursing homes to note applicant pass over information on waiting lists kept in any format, rather than those just kept electronically.

EFFECTIVE DATE: Upon passage

### **WAITING LIST POLICIES AND PROCEDURES**

Under the bill, nursing homes must develop and implement waiting list policies and procedures that do the following:

1. define information required for a home to consider an application "substantially completed" and accepted;
2. identify steps the home will take to protect the privacy of prospective residents' information; and

3. describe how the home will keep the integrity of the electronic waiting list's information, including steps taken to ensure the times, dates, and notifications of waiting list placements are accurately recorded.

### **COMMUNICATIONS ON CONTINUED WAITING LIST PLACEMENTS**

The bill allows nursing homes, when communicating with applicants about continuing their waiting list placement, to do so by email, instead of only by letter. As under current law, nursing homes may contact applicants, or their designees, (1) at least 90 days after placing them on the waiting list, to ask if they wish to remain on it and (2) annually, to give them a waiting list placement continuation notice if they have been on the list for more than 90 days.

Under current law, unchanged by the bill, nursing homes may remove applicants from the waiting list if they do not respond to these communications within 30 days.

### **COMMITTEE ACTION**

Human Services Committee

Joint Favorable

Yea 22 Nay 0 (03/19/2024)