

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-275

AN ACT PROHIBITING NURSING HOMES FROM REJECTING A PATIENT SOLELY ON THE BASIS THAT SUCH PATIENT RECEIVED MENTAL HEALTH

Title: SERVICES.

Vote Date: 3/20/2024

Vote Action: Joint Favorable

PH Date: 3/13/2024

File No.: 319

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SPONSORS OF BILL:

The Public Health Committee

REASONS FOR BILL:

In response to complaints and concerns that nursing homes are denying bed access to people who have received treatment for mental health conditions, this bill prohibits nursing homes from discriminating against these people when assigning beds. Current regulation permits a nursing home to accept a patient with a manageable psychiatric condition if a psychiatrist evaluates the patient and determines the admission to a nursing home to be medically appropriate.

RESPONSE FROM ADMINISTRATION/AGENCY:

Mairead Painter, State Long-Term Care Ombudsman:

Consistent with her role as Long-Term Care Ombudsman, Ms. Painter supports this bill because it protects the rights and access to care for individuals who have a history of receiving mental health services. In the past, patients have been discriminated against if they had received these services and this bill is the vehicle for eliminating this discrimination.

NATURE AND SOURCES OF SUPPORT:

Mag Morelli, President, Leading Age Connecticut:

Federal regulations require a Pre-Admission Screening and Annual Resident Review to identify applicants and residents who are being treated for mental illness. State law allows nursing homes to accept patients with "manageable psychiatric conditions". Nursing homes

are prohibited from admitting patients/residents with serious mental health conditions. The barriers to admission may be the result of a well-intentioned Centers for Medicare and Medicaid (CMS) policy. Leading Age Connecticut would work with DPH to educate this sector on interpretation of CMS and state policy relative to behavioral health and nursing homes.

Matthew Barrett, President and CEO, CT Association of Health Care Facilities (CAHCF):

The Americans with Disabilities Act and state law prohibit discriminatory practices in nursing home admissions. Despite this, CMS requires pre-screening to determine whether an applicant is being treated for mental illness. The denial of an application based on mental health treatment status constitutes a violation of state and federal laws and this bill will allow nursing homes to accept these applicants.

Kathy Flaherty, Executive Director, CT Legal Rights Project, Inc.:

Noting that she is aware of instances where a nursing home resident was admitted to an Emergency Room with an exasperated mental health condition, treated and released, only to be refused readmission to the nursing home, Ms Flaherty wrote in support of this bill, stating that people with mental illness should not suffer discrimination. If a person needs skilled nursing care and they are not a danger to themselves or others, they should be admitted to nursing homes.

Others in Support:

Shaun Mastroianni, Administrator, Pierce Memorial Baptist Home

NATURE AND SOURCES OF OPPOSITION:

There was no testimony in opposition to this bill.

Reported by: Dave Rackliffe

March 21, 2024