



General Assembly

Substitute Bill No. 930

January Session, 2023



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2 repealed and the following is substituted in lieu thereof (*Effective from*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
5 the facility, the facility shall notify, in writing, the resident and the
6 resident's guardian or conservator, if any, or legally liable relative or
7 other responsible party if known, of the proposed transfer or
8 discharge, the reasons therefor, the effective date of the proposed
9 transfer or discharge, the location to which the resident is to be
10 transferred or discharged, the right to appeal the proposed transfer or
11 discharge and the procedures for initiating such an appeal as
12 determined by the Department of Social Services, the date by which an
13 appeal must be initiated in order to preserve the resident's right to an
14 appeal hearing and the date by which an appeal must be initiated in
15 order to stay the proposed transfer or discharge and the possibility of
16 an exception to the date by which an appeal must be initiated in order
17 to stay the proposed transfer or discharge for good cause, that the
18 resident may represent himself or herself or be represented by legal

19 counsel, a relative, a friend or other spokesperson, and information as
20 to bed hold and nursing home readmission policy when required in
21 accordance with section 19a-537. The notice shall also include the
22 name, mailing address and telephone number of the State Long-Term
23 Care Ombudsman. If the resident is, or the facility alleges a resident is,
24 mentally ill or developmentally disabled, the notice shall include the
25 name, mailing address and telephone number of the nonprofit entity
26 designated by the Governor in accordance with section 46a-10b to
27 serve as the Connecticut protection and advocacy system. The notice
28 shall be given at least thirty days and no more than sixty days prior to
29 the resident's proposed transfer or discharge, except where the health
30 or safety of individuals in the facility are endangered, or where the
31 resident's health improves sufficiently to allow a more immediate
32 transfer or discharge, or where immediate transfer or discharge is
33 necessitated by urgent medical needs or where a resident has not
34 resided in the facility for thirty days, in which cases notice shall be
35 given as many days before the transfer or discharge as 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
38 not later than sixty calendar days after the facility issues the notice of
39 the proposed transfer or discharge, except as provided in subsection
40 (h) of 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
42 date the resident receives the notice of the proposed transfer or
43 discharge from the facility unless the resident demonstrates good
44 cause for failing 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
63 by the State Ombudsman in accordance with patient privacy
64 provisions of the Health Insurance Portability and Accountability Act
65 of 1996, P.L. 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.*