



General Assembly

January Session, 2019

Raised Bill No. 1088

LCO No. 6035



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE TRANSFER OF A NURSING HOME
RESIDENT AS THE RESULT OF A RECEIVERSHIP PROCEEDING.***

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2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2019*):

4 (c) (1) [Before effecting any transfer or discharge of a resident from
5 the facility] Except as provided in subsection (h) of this section, or in
6 the event of an "emergency" as defined in section 19a-541, before
7 effecting any transfer or discharge of a resident from the facility,
8 including any transfer sought pursuant to a receiver proceeding held
9 in accordance with the provisions of sections 19a-541 to 19a-549a,
10 inclusive, the facility shall notify, in writing, the resident and the
11 resident's guardian or conservator, if any, or legally liable relative or
12 other responsible party if known, of the proposed transfer or
13 discharge, the reasons therefor, the effective date of the proposed
14 transfer or discharge, the location to which the resident is to be
15 transferred or discharged, the right to appeal the proposed transfer or

16 discharge and the procedures for initiating such an appeal as
17 determined by the Department of Social Services, the date by which an
18 appeal must be initiated in order to preserve the resident's right to an
19 appeal hearing and the date by which an appeal must be initiated in
20 order to stay the proposed transfer or discharge and the possibility of
21 an exception to the date by which an appeal must be initiated in order
22 to stay the proposed transfer or discharge for good cause, that the
23 resident may represent himself or herself or be represented by legal
24 counsel, a relative, a friend or other spokesperson, and information as
25 to bed hold and nursing home readmission policy when required in
26 accordance with section 19a-537. The notice shall also include the
27 name, mailing address and telephone number of the State Long-Term
28 Care Ombudsman. If the resident is, or the facility alleges a resident is,
29 mentally ill or developmentally disabled, the notice shall include the
30 name, mailing address and telephone number of the nonprofit entity
31 designated by the Governor in accordance with section 46a-10b to
32 serve as the Connecticut protection and advocacy system. The notice
33 shall be given at least thirty days and no more than sixty days prior to
34 the resident's proposed transfer or discharge, except where the health
35 or safety of individuals in the facility are endangered, or where the
36 resident's health improves sufficiently to allow a more immediate
37 transfer or discharge, or where immediate transfer or discharge is
38 necessitated by urgent medical needs or where a resident has not
39 resided in the facility for thirty days, in which cases notice shall be
40 given as many days before the transfer or discharge as practicable.

41 (2) [The] Except as provided in subsection (h) of this section, or in
42 the event of an "emergency" as defined in section 19a-541, the resident
43 may initiate an appeal pursuant to this section by submitting a written
44 request to the Commissioner of Social Services not later than sixty
45 calendar days after the facility issues the notice of the proposed
46 transfer or discharge. [, except as provided in subsection (h) of this
47 section.] In order to stay a proposed transfer or discharge, the resident
48 must initiate an appeal not later than twenty days after the date the
49 resident receives the notice of the proposed transfer or discharge from

50 the facility unless the resident demonstrates good cause for failing to
51 initiate such appeal within the twenty-day period.

52 Sec. 2. Section 19a-543 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective July 1, 2019*):

54 The court shall grant an application for the appointment of a
55 receiver for a nursing home facility or residential care home upon a
56 finding of any of the following: (1) Such facility or home is operating
57 without a license issued pursuant to this chapter or such facility's or
58 home's license has been suspended or revoked pursuant to section 19a-
59 494; (2) such facility or home intends to close and adequate
60 arrangements for relocation of its residents have not been made at least
61 thirty days prior to closing; (3) such facility or home has sustained a
62 serious financial loss or failure which jeopardizes the health, safety and
63 welfare of the patients or there is a reasonable likelihood of such loss
64 or failure; or (4) there exists in such facility a condition in substantial
65 violation of the Public Health Code, or any other applicable state
66 statutes, or Title XVIII or XIX of the federal Social Security Act, 42 USC
67 301, as amended, or any regulation adopted pursuant to such state or
68 federal laws. Except in the event of an emergency, the court shall not
69 grant an application for the appointment of a receiver that involves the
70 involuntary transfer of residents to another facility, unless the court
71 has received evidence and makes a finding that the consultative
72 process between the resident, or the resident's authorized
73 representative, and representatives of the facility, as described in
74 subsection (c) of section 19a-550, has occurred.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2019</i>	19a-535(c)
Sec. 2	<i>July 1, 2019</i>	19a-543

Statement of Purpose:

To ensure the health and well-being of a nursing home resident who is at risk of being involuntarily transferred from one facility to another as the result of a receivership proceeding.

[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.]