



General Assembly

Substitute Bill No. 1111

January Session, 2023



AN ACT ESTABLISHING A WORKING GROUP TO STUDY EXCESS LICENSED BED CAPACITY AT SKILLED NURSING FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) The Commissioner of Social
2 Services shall appoint and convene a working group of eight members
3 to review and evaluate the incidence and implications of excess
4 licensed bed capacity and any space not presently in use in skilled
5 nursing facilities. Such review and evaluation shall include, but need
6 not be limited to: (1) A survey of excess licensed bed capacity and any
7 space not presently in use that identifies (A) licensed bed capacity,
8 occupancy percentages and the identification and location within a
9 skilled nursing facility of licensed beds not presently in operation in a
10 closed facility wing or elsewhere in the facility, (B) beds voluntarily
11 taken out of service in an open portion of the facility but where the
12 beds remain counted in the facility's licensed beds capacity, (C) any
13 other space not presently in use that was formerly used for skilled
14 nursing facility care, services and operations, and (D) beds made
15 unavailable due to inability to staff at minimum levels in accordance
16 with section 19a-563h of the general statutes or operator-preferred
17 staffing levels; (2) a review and evaluation of the efficiency and
18 effectiveness of Medicaid payment policies designed to discourage,
19 encourage, penalize or incentivize excess bed capacity in Medicaid
20 payment rates, including, but not limited to, (A) minimum occupancy

21 rate-setting requirements, and (B) a price-based component for the
22 administrative and general component of reimbursement based on the
23 median of the peer group spending in the administrative and general
24 component of the rates; (3) a review and evaluation of the mitigating
25 implications of staffing shortages as an impediment to skilled nursing
26 facility admissions and occupancy; and (4) consideration of the
27 physical plant conditions of the existing skilled nursing facilities.

28 (b) The working group members shall be: (1) Two representatives
29 from the Department of Social Services, one of whom shall be from the
30 certificate of need and rate setting division; (2) two representatives
31 from the Department of Public Health, one of whom shall be from the
32 facilities licensing division and one of whom shall be from the life
33 safety division; (3) two representatives from an organization or
34 organizations representing long-term care facilities, including, but not
35 limited to, assisted living facilities; and (4) two representatives from an
36 organization representing nonprofit, long-term care facilities. The
37 chairpersons of the working group may invite the participation of
38 others with subject matter knowledge that may be needed in the
39 review and evaluation.

40 (c) The chairpersons of the working group shall be one
41 representative of the Department of Social Services appointed
42 pursuant to subdivision (1) of subsection (b) of this section and one
43 member of the working group chosen by the members of the group.
44 The Commissioner of Social Services, or the commissioner's designee,
45 shall schedule the first meeting of the working group not later than
46 sixty days after the effective date of this section.

47 (d) Not later than December 31, 2023, the working group shall
48 submit an interim report, and not later than June 30, 2024, a final
49 report on its findings and recommendations to the joint standing
50 committee of the General Assembly having cognizance of matters
51 relating to human services, in accordance with the provisions of
52 section 11-4a of the general statutes.

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

Section 1	<i>from passage</i>	New section
-----------	---------------------	-------------

Statement of Legislative Commissioners:

In Subsec. (a), "not more than eight" was changed to "eight", in Subsec. (b), "shall include, but not be limited to" was changed to "members shall be" and the title was changed for accuracy.

HS *Joint Favorable Subst.*