



***An Act Concerning Discontinued Nursing Home Beds And
Certificates Of Need, And Long-Term Care Facility Relocation
Plans.***

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

1 Section 1. Section 17b-352 of the general statutes is amended by
2 adding subsection (g) as follows:

3 (NEW) (g) In the event that any facility ceases to operate, title to
4 such facility's certificates of need shall revert to the Department of
5 Social Services.

6 Sec. 2. Section 17b-403 of the general statutes, as amended by section
7 4 of public act 99-176, is repealed and the following is substituted in
8 lieu thereof:

9 (a) The State Ombudsman shall establish and operate ombudsman
10 programs in this state pursuant to Sections 711 to 713, inclusive, of the
11 federal Older Americans Act of 1965, as amended from time to time.

12 (b) The State Ombudsman shall serve on a full-time basis, and shall
13 personally or through representatives of the office:

14 (1) Identify, investigate and resolve complaints that:

15 (A) Are made by, or on behalf of, residents or, as to complaints
16 involving the application for admission to a long-term care facility, by

17 or on behalf of applicants; and

18 (B) Relate to action, inaction or decisions that may adversely affect
19 the health, safety, welfare or rights of the residents, including the
20 welfare and rights of the residents with respect to the appointment and
21 activities of guardians and representative payees, of (i) providers or
22 representatives of providers of long-term care services, (ii) public
23 agencies, or (iii) health and social service agencies;

24 (2) Provide services to protect the health, safety, welfare and rights
25 of the residents;

26 (3) Inform the residents about means of obtaining services provided
27 by providers or agencies described in subparagraph (B) of subdivision
28 (1) of this subsection or services described in subdivision (2) of this
29 subsection;

30 (4) Ensure that the residents and, as to issues involving applications
31 for admission to long-term care facilities, applicants have regular and
32 timely access to the services provided through the office and that the
33 residents and complainants receive timely responses from
34 representatives of the office to complaints;

35 (5) Represent the interests of the residents, and of applicants in
36 relation to issues concerning applications to long-term care facilities,
37 before governmental agencies and seek administrative, legal and other
38 remedies to protect the health, safety, welfare and rights of the
39 residents;

40 (6) Provide administrative and technical assistance to
41 representatives to assist the representatives in participating in the
42 program;

43 (7) (A) Analyze, comment on and monitor the development and
44 implementation of federal, state and local laws, regulations, and other
45 governmental policies and actions that pertain to the health, safety,
46 welfare and rights of the residents with respect to the adequacy of

47 long-term care facilities and services in this state and to the rights of
48 applicants in relation to applications to long-term care facilities;

49 (B) Recommend any changes in such laws, regulations, policies and
50 actions as the office determines to be appropriate; and

51 (C) Facilitate public comment on the laws, regulations, policies and
52 actions;

53 (8) Advocate for:

54 (A) Any changes in federal, state and local laws, regulations and
55 other governmental policies and actions that pertain to the health,
56 safety, welfare and rights of residents with respect to the adequacy of
57 long-term care facilities and services in this state and to the health,
58 safety, welfare and rights of applicants which the State Ombudsman
59 determines to be appropriate;

60 (B) Appropriate action by groups or agencies with jurisdictional
61 authority to deal with problems affecting individual residents and the
62 general resident population and applicants in relation to issues
63 concerning applications to long-term care facilities; and

64 (C) The enactment of legislative recommendations by the General
65 Assembly and of regulatory recommendations by commissioners of
66 Connecticut state agencies;

67 (9) (A) Provide for training representatives of the office;

68 (B) Promote the development of citizen organizations to participate
69 in the program; and

70 (C) Provide technical support for the development of resident and
71 family councils to protect the well-being and rights of residents;

72 (10) Coordinate ombudsman services with the protection and
73 advocacy systems for individuals with developmental disabilities and
74 mental illnesses established under (A) Part A of the Development

75 Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and
76 (B) The Protection and Advocacy for Mentally Ill Individuals Act of
77 1986 (42 USC 10801 et seq.);

78 (11) Coordinate, to the greatest extent possible, ombudsman services
79 with legal assistance provided under Section 306(a)(2)(C) of the federal
80 Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from
81 time to time, through the adoption of memoranda of understanding
82 and other means;

83 (12) Provide services described in subdivisions (1) to (11), inclusive,
84 of this subsection, to residents under age sixty living in a long-term
85 care facility, if (A) a majority of the residents of the facility where the
86 younger person resides are over age sixty and (B) such services do not
87 weaken or decrease service to older individuals covered under this
88 chapter; [and]

89 (13) Establish guidelines for relocation plans required in the case of
90 long-term care facility closures, provided such guidelines shall be set
91 forth in regulations adopted pursuant to section 17b-411, as amended;
92 and

93 ~~[(13)]~~ (14) Carry out such other activities and duties as may be
94 required under federal law.

95 Sec. 3. Subsection (a) of section 19a-545 of the general statutes is
96 repealed and the following is substituted in lieu thereof:

97 (a) A receiver appointed pursuant to the provisions of sections 19a-
98 541 to 19a-549, inclusive, in operating such facility, shall have the same
99 powers as a receiver of a corporation under section 52-507, except as
100 provided in subsection (b) of this section and shall exercise such
101 powers to remedy the conditions which constituted grounds for the
102 imposition of receivership, assure adequate health care for the patients
103 and preserve the assets and property of the owner. If a facility is
104 placed in receivership it shall be the duty of the receiver to notify
105 patients and family, except where medically contraindicated. Such

106 receiver may correct or eliminate any deficiency in the structure or
107 furnishings of the facility which endangers the safety or health of the
108 residents while they remain in the facility, provided the total cost of
109 correction does not exceed three thousand dollars. The court may
110 order expenditures for this purpose in excess of three thousand dollars
111 on application from such receiver. If any resident is transferred or
112 discharged such receiver shall provide for: (1) Transportation of the
113 resident and such resident's belongings and medical records to the
114 place where such resident is being transferred or discharged; (2) aid in
115 locating an alternative placement and discharge planning in
116 accordance with section 19a-535, as amended; (3) preparation for
117 transfer to mitigate transfer trauma, including but not limited to,
118 participation by the resident or the resident's guardian in the selection
119 of the resident's alternative placement, explanation of alternative
120 placements and orientation concerning the placement chosen by the
121 resident or the resident's guardian; and (4) custodial care of all
122 property or assets of residents which are in the possession of an owner
123 of the facility. The receiver shall preserve all property, assets and
124 records of residents which the receiver has custody of and shall
125 provide for the prompt transfer of the property, assets and records to
126 the alternative placement of any transferred resident. In no event may
127 the receiver transfer all residents and close a facility without a court
128 order and without preparing and receiving court approval for a
129 relocation plan for all residents and a discharge plan for each resident
130 in accordance with section 19a-535, as amended. The relocation plan
131 shall conform to the guidelines established by the State Ombudsman
132 pursuant to subsection (b) of section 17b-403, as amended by this act.

133 Sec. 4. This act shall take effect from its passage.

AGE Committee Vote: Yea 11 Nay 0 JF C/R PH

PH Committee Vote: Yea 15 Nay 8 JFS

HS Committee Vote: Yea 10 Nay 7 JF