



General Assembly

January Session, 2005

Committee Bill No. 674

LCO No. 4293

04293SB00674HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING THE CERTIFICATE OF NEED PROCESS FOR NURSING HOME FACILITIES.

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

1 Section 1. (*Effective July 1, 2005*) The Commissioner of Public Health,
2 in collaboration with the Commissioner of Social Services, the Office of
3 Health Care Access and the State Long-Term Care Ombudsman shall
4 study the feasibility of transferring the Commissioner of Social
5 Services' responsibilities with respect to certificate of need process to
6 the Department of Public Health. Not later than January 1, 2006, the
7 Commissioner of Public Health shall report in accordance with section
8 11-4a of the general statutes to the joint standing committees of the
9 General Assembly having cognizance of matters relating to public
10 health and human services on the merits of such a transfer of
11 responsibilities from the Department of Social services to the
12 Department of Public Health.

13 Sec. 2. Subsection (c) of section 17b-353 of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective*
15 *October 1, 2005*):

16 (c) In conducting its activities pursuant to this section, section 17b-

17 352 or both, the commissioner or said commissioner's designee: (1)
18 [may] May hold a public hearing on an application or on more than
19 one application, if such applications are of a similar nature with
20 respect to the request, [. At least] and (2) shall hold a public hearing
21 with respect to any complete certificate of need application submitted
22 to the department under this section if three individuals or an
23 individual representing an entity with five or more people submit a
24 request, in writing, that a public hearing be held on the proposal. Not
25 less than two weeks' notice of [the] any such hearing shall be given to
26 the facility by certified mail and to the public by publication in a
27 newspaper having a substantial circulation in the area served by the
28 facility. [Such] Any such hearing shall be held at the discretion of the
29 commissioner in Hartford or in the area so served. The commissioner
30 or said commissioner's designee shall consider such request in relation
31 to the community or regional need for such capital program or
32 purchase of land, the possible effect on the operating costs of the
33 facility and such other relevant factors as the commissioner or said
34 commissioner's designee deems necessary. In approving or modifying
35 such request, the commissioner or said commissioner's designee may
36 not prescribe any condition, such as, but not limited to, any condition
37 or limitation on the indebtedness of the facility in connection with a
38 bond issued, the principal amount of any bond issued or any other
39 details or particulars related to the financing of such capital
40 expenditure, not directly related to the scope of such capital program
41 and within the control of the facility. If [the] any such hearing is
42 conducted by a designee of the commissioner, the designee shall
43 submit any findings and recommendations to the commissioner. The
44 commissioner shall grant, modify or deny such request within ninety
45 days, except as provided for in this section. Upon the request of the
46 applicant, the review period may be extended for an additional fifteen
47 days if the commissioner or said commissioner's designee has
48 requested additional information subsequent to the commencement of
49 the review period. The commissioner or said commissioner's designee
50 may extend the review period for a maximum of thirty days if the

51 applicant has not filed in a timely manner information deemed
52 necessary by the commissioner or said commissioner's designee.

53 Sec. 3. Section 19a-7 of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2005*):

55 (a) The Department of Public Health shall be the lead agency for
56 public health planning and shall assist communities in the
57 development of collaborative health planning activities which address
58 public health issues on a regional basis or which respond to public
59 health needs having state-wide significance. The department shall
60 prepare a multiyear state health plan which will provide an
61 assessment of the health of Connecticut's population and the
62 availability of health facilities. The plan shall include: (1) Policy
63 recommendations regarding allocation of resources; (2) public health
64 priorities; (3) quantitative goals and objectives with respect to the
65 appropriate supply, distribution and organization of public health
66 resources; and (4) evaluation of the implications of new technology for
67 the organization, delivery and equitable distribution of services. In the
68 development of the plan the department shall consider the
69 recommendations of any advisory bodies which may be established by
70 the commissioner.

71 (b) The plan shall contain a review of the availability of nursing
72 home facility care within the state and the certificate of need processes
73 prescribed in chapter 319y. Such review shall ensure that: (1) The
74 creation of any new nursing home facility beds or any reductions in
75 bed capacity are consistent with the state health plan, (2) residents of a
76 nursing home facility that has been approved for closure are given
77 priority status in accessing any available nursing home beds, (3) a
78 nursing home facility does not suspend admissions to the facility, or
79 transfer patients from the facility prior to approval of a certificate of
80 need application, (4) the certificate of need process is not negatively
81 impacting access to nursing home facility care within a geographic
82 region of the state, and (5) such certificate of need processes are in

83 compliance with governing statutes and consistent with the objectives
84 of the state health plan.

85 [(b)] (c) For the purposes of establishing a state health plan as
86 required by subsection (a) of this section and consistent with state and
87 federal law on patient records, the department is entitled to access
88 hospital discharge data, emergency room and ambulatory surgery
89 encounter data, data on home health care agency client encounters and
90 services, data from community health centers on client encounters and
91 services and all data collected or compiled by the Office of Health Care
92 Access pursuant to section 19a-613.

93 [(c)] (c) The Commissioner of Public Health shall adopt regulations,
94 in accordance with the provisions of chapter 54, to assure the
95 confidentiality of personal data and patient-identifiable data collected
96 or compiled pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	New section
Sec. 2	October 1, 2005	17b-353(c)
Sec. 3	October 1, 2005	19a-7

Statement of Purpose:

To (1) require the Commissioner of Public Health to undertake a study on the feasibility of transferring certificate of need responsibilities from the Department of Social Services to the Department of Public Health, and (2) to ensure that the current nursing home facility certificate of need process is consistent with furthering the objectives of the state health plan.

[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.]

Co-Sponsors: SEN. HANDLEY, 4th Dist.

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