



General Assembly

Amendment

January Session, 2007

LCO No. 9515

HB0563909515SD0

Offered by:

SEN. HARRIS, 5th Dist.
REP. VILLANO, 91st Dist.
SEN. KISSEL, 7th Dist.
REP. GIBBONS, 150th Dist.
REP. WALKER, 93rd Dist.

To: Subst. House Bill No. 5639

File No. 883

Cal. No. 634

"AN ACT CONCERNING THE CLOSING OF A LONG-TERM CARE FACILITY."

1 Strike lines 41 to 90, inclusive, in their entirety and substitute the
2 following in lieu thereof:

3 "(c) In conducting its activities pursuant to this section, section 17b-
4 352 or both, except as provided for in subsection (d) of this section, the
5 [commissioner] the Commissioner of Social Services or said
6 commissioner's designee may hold a public hearing on an application
7 or on more than one application, if such applications are of a similar
8 nature with respect to the request. At least two weeks' notice of the
9 hearing shall be given to the facility by certified mail and to the public
10 by publication in a newspaper having a substantial circulation in the
11 area served by the facility. Such hearing shall be held at the discretion
12 of the commissioner in Hartford or in the area so served. The

13 commissioner or [said] the commissioner's designee shall consider
14 such request in relation to the community or regional need for such
15 capital program or purchase of land, the possible effect on the
16 operating costs of the facility and such other relevant factors as the
17 commissioner or [said] the commissioner's designee deems necessary.
18 In approving or modifying such request, the commissioner or [said]
19 the commissioner's designee may not prescribe any condition, such as,
20 but not limited to, any condition or limitation on the indebtedness of
21 the facility in connection with a bond issued, the principal amount of
22 any bond issued or any other details or particulars related to the
23 financing of such capital expenditure, not directly related to the scope
24 of such capital program and within the control of the facility. If the
25 hearing is conducted by a designee of the commissioner, the designee
26 shall submit any findings and recommendations to the commissioner.
27 The commissioner shall grant, modify or deny such request within
28 ninety days, except as provided for in this section. Upon the request of
29 the applicant, the review period may be extended for an additional
30 fifteen days if the commissioner or [said] the commissioner's designee
31 has requested additional information subsequent to the
32 commencement of the review period. The commissioner or [said] the
33 commissioner's designee may extend the review period for a
34 maximum of thirty days if the applicant has not filed in a timely
35 manner information deemed necessary by the commissioner or [said]
36 the commissioner's designee.

37 (d) No facility shall be allowed to close or decrease substantially its
38 total bed capacity until such time as a public hearing has been held in
39 accordance with the provisions of this subsection and the
40 Commissioner of Social Services has approved the facility's request
41 unless such decrease is associated with a census reduction. The
42 commissioner may impose a civil penalty of not more than five
43 thousand dollars on any facility that fails to comply with the
44 provisions of this subsection. Penalty payments received by the
45 commissioner pursuant to this subsection shall be deposited in the
46 special fund established by the department pursuant to subsection (c)

47 of section 17b-357 and used for the purposes specified in said
48 subsection (c). The commissioner or the commissioner's designee shall
49 hold a public hearing upon the earliest occurrence of: (1) Receipt of
50 any letter of intent submitted by a facility to the department, or (2)
51 receipt of any certificate of need application. Such hearing shall be held
52 at the facility for which the letter of intent or certificate of need
53 application was submitted not later than thirty days after the date on
54 which such letter or application was received by the commissioner.
55 The commissioner or the commissioner's designee shall provide both
56 the facility and the public with notice of the date of the hearing not less
57 than fourteen days in advance of such date. Notice to the facility shall
58 be by certified mail and notice to the public shall be by publication in a
59 newspaper having a substantial circulation in the area served by the
60 facility."

61 In line 91 strike "(d)" and substitute "[~~(d)~~] (e)" in lieu thereof

62 Strike section 3 in its entirety and insert the following in lieu thereof:

63 "Sec. 3. Subsection (b) of section 19a-545 of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective July*
65 *1, 2007*):

66 (b) Not later than ninety days after appointment as a receiver, such
67 receiver shall take all necessary steps to stabilize the operation of the
68 facility in order to ensure the health, safety and welfare of the residents
69 of such facility. In addition, within a reasonable time period after the
70 date of appointment, not to exceed six months, the receiver shall: (1)
71 Determine whether the facility can continue to operate and provide
72 adequate care to residents in substantial compliance with applicable
73 federal and state law within the facility's state payments as established
74 by the Commissioner of Social Services pursuant to subsection (f) of
75 section 17b-340, together with income from self-pay residents,
76 Medicare payments and other current income and shall report such
77 determination to the court; and (2) seek facility purchase proposals. If
78 the receiver determines that the facility will be unable to continue to

79 operate in compliance with said requirements, the receiver shall
80 promptly request an [immediate] order of the court to close the facility
81 and make arrangements for the orderly transfer of residents pursuant
82 to subsection (a) of this section unless the receiver determines that a
83 transfer of the facility to a qualified purchaser is expected [within
84 ninety days] during the six-month period commencing on the date of
85 the receiver's appointment. If a transfer is not completed within [one
86 hundred eighty days of the appointment of the receiver] such period
87 and all purchase and sale proposal efforts have been exhausted, the
88 receiver shall request an immediate order of the court to close the
89 facility and make arrangements for the orderly transfer of residents
90 pursuant to subsection (a) of this section."

91 In line 197, after "commissioner" insert "with approval of the
92 Secretary of the Office of Policy and Management"