



Substitute Senate Bill No. 559

Public Act No. 08-91

AN ACT CONCERNING A PILOT PROGRAM FOR SMALL HOUSE NURSING HOMES AND ADDITIONAL EXCEPTIONS TO THE NURSING HOME BED MORATORIUM.

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

Section 1. (NEW) (*Effective July 1, 2008*) (a) As used in this section, "small house nursing home" means an alternative nursing home facility that (1) consists of one or more units that are designed and modeled as a private home, (2) houses no more than ten individuals in each unit, (3) includes private rooms and bathrooms, (4) provides for an increased role for support staff in the care of residents, (5) incorporates a philosophy of individualized care, and (6) is licensed as a nursing home under chapter 368v of the general statutes.

(b) The Commissioner of Social Services shall establish, within available appropriations, a pilot program to support the development of up to ten small house nursing homes in the state in order to improve the quality of life for nursing home residents and to support a goal of providing nursing home care in a more home-like and less institution-like setting.

(c) Any existing chronic and convalescent nursing home or rest home with nursing supervision may apply to the commissioner for

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approval of a proposal to develop a small house nursing home and to relocate Medicaid certified beds from its facility to such small house nursing home. The commissioner shall require each small house nursing home under the pilot program to seek certification to participate in the Title XVIII and Title XIX programs and may establish additional requirements for such small house nursing homes. Not later than October 1, 2008, the commissioner shall develop guidelines relating to the design specifications and requirements for small house nursing homes for purposes of the pilot program, and shall submit a copy of the guidelines to the joint standing committee of the General Assembly having cognizance of matters relating to human services. Not later than thirty days after receipt of such guidelines, said joint standing committee may advise the commissioner of its approval, denial or modifications, if any, of such guidelines. If said joint standing committee does not act during such thirty-day period, such guidelines shall be deemed approved. If approved, the commissioner shall make such guidelines available to applicants. Each chronic and convalescent nursing home or rest home with nursing supervision submitting a proposal shall provide: (1) A description of the proposed project; (2) information concerning the financial and technical capacity of the applicant to undertake the proposed project; (3) a project budget; (4) information that the relocation of beds shall result in a reduction in the number of nursing facility beds in the state; and (5) any additional information the commissioner deems necessary.

(d) The commissioner, in consultation with the Long-Term Care Planning Committee, established pursuant to section 17b-337 of the 2008 supplement to the general statutes, shall evaluate proposals received pursuant to subsection (c) of this section and approve up to ten proposals. The commissioner shall give preference to proposals that include the use of fuel cells or other energy technologies that promote energy efficiency in such small house nursing home. The commissioner shall reserve two out of the ten approvals for proposals

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to develop a small house nursing home in a distressed municipality, as defined in section 32-9p of the general statutes, with a population greater than one hundred thousand persons.

(e) A small house nursing home developed under this section shall comply with the provisions of sections 17b-352 to 17b-354, inclusive, of the general statutes.

Sec. 2. Subsection (a) of section 17b-354 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2008*):

(a) Except for applications deemed complete as of August 9, 1991, the Department of Social Services shall not accept or approve any requests for additional nursing home beds or modify the capital cost of any prior approval for the period from September 4, 1991, through June 30, 2012, except (1) beds restricted to use by patients with acquired immune deficiency syndrome or traumatic brain injury; (2) beds associated with a continuing care facility which guarantees life care for its residents; (3) Medicaid certified beds to be relocated from one licensed nursing facility to another licensed nursing facility or to a small house nursing home, as defined in section 1 of this act, provided (A) the availability of beds in an area of need will not be adversely affected; (B) no such relocation shall result in an increase in state expenditures; and (C) the relocation results in a reduction in the number of nursing facility beds in the state; (4) a request for no more than twenty beds submitted by a licensed nursing facility that participates in neither the Medicaid program nor the Medicare program, admits residents and provides health care to such residents without regard to their income or assets and demonstrates its financial ability to provide lifetime nursing home services to such residents without participating in the Medicaid program to the satisfaction of the department, provided the department does not accept or approve more than one request pursuant to this subdivision; [and] (5) a request

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for no more than twenty beds associated with a free standing facility dedicated to providing hospice care services for terminally ill persons operated by an organization previously authorized by the Department of Public Health to provide hospice services in accordance with section 19a-122b of the 2008 supplement to the general statutes; and (6) new or existing Medicaid certified beds to be relocated from a licensed nursing facility in a municipality with a 2004 estimated population of one hundred twenty-five thousand to a location within the same municipality provided such Medicaid certified beds do not exceed sixty beds. Notwithstanding the provisions of this subsection, any provision of the general statutes or any decision of the Office of Health Care Access, (i) the date by which construction shall begin for each nursing home certificate of need in effect August 1, 1991, shall be December 31, 1992, (ii) the date by which a nursing home shall be licensed under each such certificate of need shall be October 1, 1995, and (iii) the imposition of such dates shall not require action by the Commissioner of Social Services. Except as provided in subsection (c) of this section, a nursing home certificate of need in effect August 1, 1991, shall expire if construction has not begun or licensure has not been obtained in compliance with the dates set forth in subparagraphs (i) and (ii) of this subsection.

Approved May 27, 2008