



General Assembly

February Session, 2008

Raised Bill No. 5864

LCO No. 2823

02823_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING A NURSING HOME IMPROVEMENT PLAN.

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

1 Section 1. Section 17b-351 of the general statutes is amended by
2 adding subsection (c) as follows (*Effective July 1, 2008*):

3 (NEW) (c) On or before December 31, 2008, and annually thereafter,
4 the Commissioner of Social Services, in consultation with the
5 Commissioner of Public Health, shall complete an inventory of all
6 publicly funded and private pay nursing home beds in the state. On or
7 before February 1, 2009, and annually thereafter, the Commissioner of
8 Social Services shall report to joint standing committees of the General
9 Assembly having cognizance of matters relating to human services and
10 public health on the results of the inventory, in accordance with
11 section 11-4a. The Commissioner of Social Services shall identify in
12 such report any geographic areas in the state that are in need of
13 additional nursing home beds and the number of beds needed in such
14 geographical areas. The Commissioner of Social Services shall also
15 identify any areas of the state in which there is a surplus of nursing
16 home beds.

17 Sec. 2. (NEW) (*Effective July 1, 2008*) In addition to the requirements
18 set forth in sections 17b-352 to 17b-354, inclusive, of the 2008
19 supplement to the general statutes, the Commissioner of Social
20 Services, when determining whether to approve a certificate of need
21 request from a facility, as defined in section 17b-352 of the 2008
22 supplement to the general statutes, shall consider the following factors:
23 (1) The inventory of nursing home beds for the particular geographic
24 region, (2) the age of the facility seeking the certificate of need, and (3)
25 whether the model of long-term care afforded by such facility is
26 consistent with the state's long-term care plan developed pursuant to
27 section 17b-337 of the 2008 supplement to the general statutes. After
28 considering such factors, the commissioner shall grant, modify or deny
29 the request for a certificate of need in accordance with this section and
30 said sections 17b-352 to 17b-354, inclusive. The commissioner may
31 deny a facility's request for a certificate of need if the commissioner
32 determines that the proposed capital project is inconsistent with
33 achieving the objectives of the state's long-term care plan. The
34 commissioner shall give priority to approval of capital projects that:
35 (A) Promote the development of alternative models of long-term care
36 that are consistent with the state's long-term care plan, including, but
37 not limited to, the Green House model and the Small House model;
38 and (B) increase long-term care options in geographic regions of the
39 state where there is a shortage of nursing home beds.

40 Sec. 3. (NEW) (*Effective October 1, 2008*) (a) For purposes of this
41 section:

42 (1) "Department" means the Department of Public Health; and

43 (2) "Nursing home facility" has the same meaning as provided in
44 section 19a-521 of the general statutes.

45 (b) On and after July 1, 2009, each nursing home facility licensed by
46 the department pursuant to chapter 368v of the general statutes shall
47 as a condition of continued licensure submit to the department a nurse
48 staffing plan with a written certification that the nurse staffing plan is

49 sufficient to provide adequate and appropriate delivery of health care
50 services to patients in the ensuing period of licensure. The nurse
51 staffing plan shall promote a collaborative practice in the facility that
52 enhances patient care and the level of services provided by nurses and
53 other members of the facility's patient care team.

54 (c) Each nursing home facility shall establish a facility staffing
55 committee that shall assist in the preparation of the nurse staffing plan
56 required pursuant to subsection (b) of this section. The facility staffing
57 committee shall include registered nurses who provide direct patient
58 care, licensed practical nurses and certified nursing assistants. Each
59 facility, in collaboration with its staffing committee, shall develop and
60 implement the nurse staffing plan. Such plan shall: (1) Include the
61 minimum professional skill mix for each patient care unit in the
62 facility, including any special care units; (2) identify the facility's
63 employment practices concerning the use of licensed temporary and
64 traveling nurses; (3) set forth the level of administrative staffing in
65 each patient care unit of the facility that ensures direct care staff are
66 not utilized for administrative functions; (4) set forth the facility's
67 process for internal review of the nurse staffing plan; (5) identify
68 collective bargaining agreements that the hospital is a party to and
69 certify the facility's compliance with such agreements; and (6) include
70 the facility's mechanism of obtaining input from direct care staff,
71 including licensed nurses and other members of the facility's patient
72 care team, in the development of a nurse staffing plan.

73 Sec. 4. (NEW) (*Effective July 1, 2008*) On or before January 1, 2009,
74 the Department of Social Services shall implement a state-wide pilot
75 project that will allow the department to advance payments to twenty
76 nursing home facilities, as defined in section 19a-521 of the general
77 statutes, certified to participate in the Medicaid program, to cover the
78 cost of care provided by facilities to residents who have applied for the
79 Medicaid program and are awaiting approval by the department. The
80 Commissioner of Social Services shall designate those facilities that
81 shall participate in the pilot program. Not later than October 1, 2008,

82 any nursing home facility that wishes to participate in the pilot
83 program shall notify the commissioner of such facility's interest in
84 participating in the program. The commissioner shall ensure that pilot
85 program participants are broadly representative of nursing home
86 facilities on a state-wide basis. In selecting pilot program participants,
87 the commissioner shall consider: (1) The financial health of the facility;
88 (2) the number of Medicaid-funded beds in the facility; (3) the total
89 number of beds at the facility; (4) the geographic location of the
90 facility; and (5) the facility's history of compliance with state law and
91 regulations. The Commissioner of Social Services may adjust the
92 reimbursement methodology for facilities participating in the pilot
93 program based on whether residents of the facility who applied for the
94 Medicaid program are approved or disapproved for Medicaid
95 program participation by the department. The pilot program shall
96 terminate on June 30, 2010.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	17b-351
Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section

Statement of Purpose:

To: (1) Promote the development of alternative models of long-term care that are consistent with the state's long-term care plan, (2) require nursing home facilities to file a nurse staffing plan with the Department of Public Health, and (3) establish a pilot program that will facilitate expedited Medicaid payments to nursing home facilities.

[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.]