



General Assembly

January Session, 2009

Raised Bill No. 6668

LCO No. 4794

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Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT PROVIDING QUALITY CARE, FINANCIAL OVERSIGHT AND NURSING HOME FUNDING REFORM.

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

1 Section 1. Section 17b-337 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) There shall be established a Long-Term Care Planning
4 Committee for the purpose of exchanging information on long-term
5 care issues, coordinating policy development and establishing a long-
6 term care plan for all persons in need of long-term care. Such policy
7 and plan shall provide that individuals with long-term care needs have
8 the option to choose and receive long-term care and support in the
9 least restrictive, appropriate setting. Such plan shall integrate the three
10 components of a long-term care system including home and
11 community-based services, supportive housing arrangements and
12 nursing facilities. Such plan shall include: (1) A vision and mission
13 statement for a long-term care system; (2) the current number of
14 persons receiving services; (3) demographic data concerning such
15 persons by service type; (4) the current aggregate cost of such system
16 of services; (5) forecasts of future demand for services; (6) the type of

17 services available and the amount of funds necessary to meet the
18 demand; (7) projected costs for programs associated with such system;
19 (8) strategies to promote the partnership for long-term care program;
20 (9) resources necessary to accomplish goals for the future; (10) funding
21 sources available; and (11) the number and types of providers needed
22 to deliver services. The plan shall address how changes in one
23 component of such long-term care system impact other components of
24 such system.

25 (b) The Long-Term Care Planning Committee shall, within available
26 appropriations, study issues relative to long-term care including, but
27 not limited to, the case-mix system of Medicaid reimbursement,
28 community-based service options, access to long-term care and
29 geriatric psychiatric services. The committee shall evaluate issues
30 relative to long-term care in light of the United States Supreme Court
31 decision, *Olmstead v. L.C.*, 119 S. Ct. 2176 (1999), requiring states to
32 place persons with disabilities in community settings rather than in
33 institutions when such placement is appropriate, the transfer to a less
34 restrictive setting is not opposed by such persons and such placement
35 can be reasonably accommodated.

36 (c) The Long-Term Care Planning Committee shall consist of: (1)
37 The chairpersons and ranking members of the joint standing and select
38 committees of the General Assembly having cognizance of matters
39 relating to human services, public health, elderly services and
40 long-term care; (2) the Commissioner of Social Services, or the
41 commissioner's designee; (3) one member of the Office of Policy and
42 Management appointed by the Secretary of the Office of Policy and
43 Management; (4) one member from the Department of Social Services
44 appointed by the Commissioner of Social Services; (5) one member
45 from the Department of Public Health appointed by the Commissioner
46 of Public Health; (6) one member from the Department of Economic
47 and Community Development appointed by the Commissioner of
48 Economic and Community Development; (7) one member from the
49 Office of Health Care Access appointed by the Commissioner of

50 Health Care Access; (8) one member from the Department of
51 Developmental Services appointed by the Commissioner of
52 Developmental Services; (9) one member from the Department of
53 Mental Health and Addiction Services appointed by the Commissioner
54 of Mental Health and Addiction Services; (10) one member from the
55 Department of Transportation appointed by the Commissioner of
56 Transportation; (11) one member from the Department of Children and
57 Families appointed by the Commissioner of Children and Families;
58 and (12) the executive director of the Office of Protection and
59 Advocacy for Persons with Disabilities or the executive director's
60 designee. The committee shall convene no later than ninety days after
61 June 4, 1998. Any vacancy shall be filled by the appointing authority.
62 The chairperson shall be elected from among the members of the
63 committee. The committee shall seek the advice and participation of
64 any person, organization or state or federal agency it deems necessary
65 to carry out the provisions of this section.

66 (d) Not later than January 1, 1999, and every three years thereafter,
67 the Long-Term Care Planning Committee shall submit a long-term
68 care plan pursuant to subsection (a) of this section to the joint standing
69 and select committees of the General Assembly having cognizance of
70 matters relating to human services, public health, elderly services and
71 long-term care, in accordance with the provisions of section 11-4a, and
72 such plan shall serve as a guide for the actions of state agencies in
73 developing and modifying programs that serve persons in need of
74 long-term care.

75 (e) Not later than January 1, 2010, the Long-Term Care Planning
76 Committee shall submit a plan, in accordance with the provisions of
77 section 11-4a, to implement the recommendations of the Ad Hoc Task
78 Force on Nursing Home Costs in Connecticut, as stated in its final
79 report dated February 15, 2002, to the joint standing committees of the
80 General Assembly having cognizance of matters relating to human
81 services and public health and to the select committee of the General
82 Assembly having cognizance of matters relating to aging. Such plan

83 shall describe the measures to be implemented by July 1, 2010, to: (1)
84 Require preadmission screening of all potential nursing home
85 admissions be conducted by trained professionals independent of the
86 nursing home to ensure that individuals with certain psychiatric
87 disabilities or a history of physical or sexual abuse are not
88 inappropriately admitted to a nursing home; (2) require nursing homes
89 to meet or exceed the minimum staffing standards recommended by
90 the National Citizens' Coalition for Nursing Home Reform; (3) ensure
91 that the standards for the quality of care in nursing homes is
92 determined by the Department of Public Health based on the best
93 available clinical evidence and not on the basis of cost; (4) require that,
94 under the Medicaid rate system, direct care costs and indirect care
95 costs are reimbursed at a rate of ninety-five per cent of actual costs; (5)
96 ensure that facility maintenance costs are considered indirect care costs
97 under the Medicaid rate system; (6) provide nursing homes in which
98 Medicaid patients account for more than ninety per cent of patient
99 days with supplemental disproportionate share payments equal to five
100 per cent of the nursing home's allowable costs, excluding property and
101 capital costs; (7) strengthen the Department of Social Services' audit
102 capabilities so that the department can ensure that nursing homes
103 receive reimbursement only for costs that are allowable under
104 Medicaid; and (8) expand training and educational programs,
105 including, but not limited to, higher education programs, to address
106 the shortage of trained health care professionals.

107 [(e)] (f) Any state agency, when developing or modifying any
108 program that, in whole or in part, provides assistance or support to
109 persons with long-term care needs, shall, to the maximum extent
110 feasible, include provisions that support care-giving provided by
111 family members and other informal caregivers and promote consumer-
112 directed care.

113 Sec. 2. (NEW) (Effective July 1, 2009) (a) There is established a council
114 to ensure the quality of long-term personal home care that shall be
115 known as the Personal Care Attendant Quality Home Care Workforce

116 Council. The council shall be composed of thirteen members including
117 the Commissioner of Social Services or the commissioner's designee,
118 who shall serve as chairperson, the Commissioner of Developmental
119 Services or the commissioner's designee, and the Healthcare Advocate
120 or the Healthcare Advocate's designee. The remaining ten members of
121 the council shall be consumers, surrogates or advocates, as defined in
122 subsection (b) of this section, and shall be appointed as follows: Two
123 by the Governor, two by the speaker of the House of Representatives,
124 two by the president pro tempore of the Senate, one by the majority
125 leader of the House of Representatives, one by the majority leader of
126 the Senate, one by the minority leader of the House of Representatives,
127 and one by the minority leader of the Senate. All appointments to the
128 council shall be made not later than August 15, 2009. The council shall
129 convene its first meeting not later than September 15, 2009. Subsequent
130 meetings shall be held at times determined by the council chairperson
131 or upon the written request of any five members of the council to the
132 chairperson. Members shall serve three-year terms from the date of
133 their appointment and until successors are appointed. Vacancies shall
134 be filled for the expiration of the term of the member being replaced in
135 the same manner as original appointments. Members of the council
136 shall not receive compensation for their service on the council but shall
137 be reimbursed for actual expenses necessarily incurred in performance
138 of their duties on the council.

139 (b) For purposes of this section, (1) "consumer" means a person who
140 receives services from a personal care attendant under a state-funded
141 program, including, but not limited to, (A) the program for individuals
142 with acquired brain injuries established pursuant to section 17b-260a
143 of the general statutes, (B) the personal care assistance program,
144 established pursuant to section 17b-605a of the general statutes, (C) the
145 Connecticut home care program for the elderly, established pursuant
146 to section 17b-342 of the general statutes, (D) the pilot program to
147 provide home care services for disabled persons, established pursuant
148 to section 17b-617 of the general statutes, (E) the individual and family
149 support waiver program, administered by the Department of

150 Developmental Services, and (F) the comprehensive waiver program,
151 administered by the Department of Developmental Services; (2)
152 "surrogate" means a consumer's legal guardian or a person identified
153 in a written agreement as having responsibility for the care of a
154 consumer; (3) "advocate" means a person employed by, or affiliated
155 with, an organization that advocates on behalf of senior citizens or
156 persons with disabilities; and (4) "personal care attendant" means a
157 person employed by a consumer or surrogate to provide personal care
158 services to a consumer.

159 (c) The council shall have the following duties and responsibilities:
160 (1) To undertake recruiting efforts of personal care attendants; (2) to
161 provide training, education and certification recommendations and
162 opportunities for personal care attendants; (3) to provide routine,
163 emergency and respite referrals of personal care attendants to
164 consumers and surrogates; (4) to maintain an accurate list, that shall
165 first be developed by the Commissioners of Social Services and
166 Developmental Services, (A) identifying personal care attendants who
167 have been paid through state-funded programs, including, but not
168 limited to, those programs identified in subsection (b) of this section,
169 and (B) listing the training, education and certification of each such
170 attendant, but not providing the personal care attendant's address,
171 identifying a consumer's name or identifying any family relationship
172 between the consumer and the personal care attendant.

173 (d) A consumer or surrogate, who is referred a personal care
174 attendant by the council, shall have the right to (1) hire or refuse to
175 hire, (2) supervise, (3) direct the activities, and (4) terminate the
176 employment of any such personal care attendant. A consumer or
177 surrogate may hire a personal care attendant who has not been
178 referred by the council.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	17b-337

Sec. 2	July 1, 2009	New section
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Statement of Purpose:

To develop a plan to implement the recommendations of the Ad Hoc Task Force on Nursing Home Costs in Connecticut and to establish a Personal Care Attendant Quality Home Care Workforce Council.

[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.]