



General Assembly

January Session, 2009

Governor's Bill No. 841

LCO No. 3040

*03040 _____ *

Referred to Committee on Select Committee on Aging

Introduced by:

SEN. MCKINNEY, 28th Dist.

REP. CAFERO, 142nd Dist.

AN ACT CONCERNING THE STATE DEPARTMENT ON AGING.

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

1 Section 1. Section 17a-317 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) Effective [July 1, 2008] July 1, 2009, there shall be established a
4 State Department on Aging which shall be under the direction and
5 supervision of the Commissioner on Aging who shall be appointed by
6 the Governor in accordance with the provisions of sections 4-5 to 4-8,
7 inclusive, with the powers and duties prescribed in said sections. The
8 commissioner shall be knowledgeable and experienced with respect to
9 the conditions and needs of elderly persons and shall serve on a full-
10 time basis.

11 (b) The Commissioner on Aging shall administer all laws under the
12 jurisdiction of the State Department on Aging and shall employ the
13 most efficient and practical means for the provision of care and
14 protection of elderly persons. The commissioner shall have the power

15 and duty to do the following: (1) Administer, coordinate and direct the
16 operation of the department; (2) adopt and enforce regulations, in
17 accordance with chapter 54, as necessary to implement the purposes of
18 the department as established by statute; (3) establish rules for the
19 internal operation and administration of the department; (4) establish
20 and develop programs and administer services to achieve the purposes
21 of the department; (5) contract for facilities, services and programs to
22 implement the purposes of the department; (6) act as advocate for
23 necessary additional comprehensive and coordinated programs for
24 elderly persons; (7) assist and advise all appropriate state, federal, local
25 and area planning agencies for elderly persons in the performance of
26 their functions and duties pursuant to federal law and regulation; (8)
27 plan services and programs for elderly persons; (9) coordinate
28 outreach activities by public and private agencies serving elderly
29 persons; and (10) consult and cooperate with area and private
30 planning agencies.

31 (c) The functions, powers, duties and personnel of the Aging
32 Services Division [of Elderly Services] of the Department of Social
33 Services, or any subsequent division or portion of a division with
34 similar functions, powers, personnel and duties, shall be transferred to
35 the State Department on Aging pursuant to the provisions of sections
36 4-38d, 4-38e and 4-39.

37 (d) The Department of Social Services shall continue to administer
38 programs under the jurisdiction of the State Department on Aging
39 until the Commissioner on Aging is appointed and administrative staff
40 are hired.

41 (e) The Governor may, with the approval of the Finance Advisory
42 Committee, transfer funds between the Department of Social Services
43 and the State Department on Aging, pursuant to subsection (b) of
44 section 4-87, during the fiscal years ending June 30, 2010, and June 30,
45 2011.

46 ~~[(d)]~~ (f) Any order or regulation of the Department of Social Services

47 or the Commission on Aging that is in force on July 1, [2008] 2009, shall
48 continue in force and effect as an order or regulation until amended,
49 repealed or superseded pursuant to law.

50 Sec. 2. Section 17b-421 of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective July 1, 2009*):

52 The state shall be divided into five elderly planning and service
53 areas, in accordance with federal law and regulations, each having an
54 area agency on aging to carry out the mandates of the federal Older
55 Americans Act of 1965, as amended. The area agencies shall (1)
56 represent elderly persons within their geographic areas, (2) develop an
57 area plan for approval by the State Department [of Social Services] on
58 Aging and upon such approval administer the plan, (3) coordinate and
59 assist local public and nonprofit, private agencies in the development
60 of programs, (4) receive and distribute federal and state funds for such
61 purposes, in accordance with applicable law, (5) carry out any
62 additional duties and functions required by federal law and
63 regulations.

64 Sec. 3. Section 17b-422 of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective July 1, 2009*):

66 (a) The State Department [of Social Services] on Aging shall
67 equitably allocate, in accordance with federal law, federal funds
68 received under Title IIIB and IIIC of the Older Americans Act to the
69 five area agencies on aging established pursuant to section 17b-421.
70 The department, before seeking federal approval to spend any amount
71 above that allotted for administrative expenses under said act, shall
72 inform the joint standing committee of the General Assembly having
73 cognizance of matters relating to human services that it is seeking such
74 approval.

75 (b) Sixty per cent of the state funds appropriated to the five area
76 agencies on aging for elderly nutrition and social services shall be
77 allocated in the same proportion as allocations made pursuant to

78 subsection (a) of this section. Forty per cent of all state funds
79 appropriated to the five area agencies on aging for elderly nutrition
80 and social services used for purposes other than the required
81 nonfederal matching funds shall be allocated at the discretion of the
82 Commissioner [of Social Services] on Aging, in consultation with the
83 five area agencies on aging, based on their need for such funds. Any
84 state funds appropriated to the five area agencies on aging for
85 administrative expenses shall be allocated equally.

86 (c) The State Department [of Social Services] on Aging, in
87 consultation with the five area agencies on aging, shall review the
88 method of allocation set forth in subsection (a) of this section and shall
89 report any findings or recommendations to the joint standing
90 committees of the General Assembly having cognizance of matters
91 relating to appropriations and the budgets of state agencies and
92 human services.

93 (d) An area agency may request a person participating in the elderly
94 nutrition program to pay a voluntary fee for meals furnished, except
95 that no eligible person shall be denied a meal due to an inability to pay
96 such fee.

97 Sec. 4. Section 17b-423 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective July 1, 2009*):

99 (a) The State Department [of Social Services] on Aging shall prepare
100 and routinely update a community services policy manual. The pages
101 of such manual shall be consecutively numbered and indexed,
102 containing all departmental policy regulations and substantive
103 procedure. Such manual shall be published by the department and
104 distributed so that it is available to all district, subdistrict and field
105 offices of the Department of Social Services. The Department of Social
106 Services shall adopt such policy manual in regulation form in
107 accordance with the provisions of chapter 54. The department may
108 operate under any new policy necessary to conform to a requirement
109 of a federal or joint state and federal program. The department may

110 operate under any new policy while it is in the process of adopting the
111 policy in regulation form, provided the Department of Social Services
112 prints notice of intent to adopt the regulations in the Connecticut Law
113 Journal within twenty days after adopting the policy. Such policy shall
114 be valid until the time final regulations are effective.

115 (b) The State Department [of Social Services] on Aging shall write
116 the community services policy manual using plain language as
117 described in section 42-152. The manual shall include an index for
118 frequent referencing and a separate section or manual which specifies
119 procedures to follow to clarify policy.

120 Sec. 5. Section 17b-424 of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective July 1, 2009*):

122 The Commissioner [of Social Services] on Aging shall establish an
123 adult foster care program which shall provide room, board and
124 personal care services in a home or substantially equivalent
125 environment to elderly persons who volunteer and may otherwise be
126 placed in a nursing home or who are inappropriately institutionalized.
127 The commissioner shall adopt regulations, in accordance with the
128 provisions of chapter 54, to administer this program.

129 Sec. 6. Section 17b-425 of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective July 1, 2009*):

131 The State Department [of Social Services] on Aging may make a
132 grant to any city, town or borough or public or private agency,
133 organization or institution for the following purposes: (a) For
134 community planning and coordination of programs carrying out the
135 purposes of the Older Americans Act of 1965, as amended; (b) for
136 demonstration programs or activities particularly valuable in carrying
137 out such purposes; (c) for training of special personnel needed to carry
138 out such programs and activities; (d) for establishment of new or
139 expansion of existing programs to carry out such purposes, including
140 establishment of new or expansion of existing centers of service for

141 elderly persons, providing recreational, cultural and other leisure time
142 activities, and informational, transportation, referral and preretirement
143 and postretirement counseling services for elderly persons and
144 assisting such persons in providing volunteer community or civic
145 services, except that no costs of construction, other than for minor
146 alterations and repairs, shall be included in such establishment or
147 expansion; (e) for programs to develop or demonstrate approaches,
148 methods and techniques for achieving or improving coordination of
149 community services for elderly or aging persons and such other
150 programs and services as may be allowed under Title III of the Older
151 Americans Act of 1965, as amended, or to evaluate these approaches,
152 techniques and methods, as well as others which may assist elderly or
153 aging persons to enjoy wholesome and meaningful living and to
154 continue to contribute to the strength and welfare of the state and
155 nation.

156 Sec. 7. Section 17b-426 of the general statutes is repealed and the
157 following is substituted in lieu thereof (*Effective July 1, 2009*):

158 The State Department [of Social Services] on Aging may use moneys
159 appropriated for the purposes of section 17b-425 for the expenses of
160 administering the grant program under said section, provided the total
161 of such moneys so used shall not exceed five per cent of the moneys so
162 appropriated.

163 Sec. 8. Section 17b-427 of the general statutes is repealed and the
164 following is substituted in lieu thereof (*Effective July 1, 2009*):

165 (a) As used in this section:

166 (1) "CHOICES" means Connecticut's programs for health insurance
167 assistance, outreach, information and referral, counseling and
168 eligibility screening;

169 (2) "CHOICES health insurance assistance program" means the
170 federally recognized state health insurance assistance program funded

171 pursuant to P.L. 101-508 and administered by the State Department [of
172 Social Services] on Aging, in conjunction with the area agencies on
173 aging and the Center for Medicare Advocacy, that provides free
174 information and assistance related to health insurance issues and
175 concerns of older persons and other Medicare beneficiaries in
176 Connecticut; and

177 (3) "Medicare organization" means any corporate entity or other
178 organization or group that contracts with the federal Centers for
179 Medicare and Medicaid Services to provide health care services to
180 Medicare beneficiaries in this state as an alternative to the traditional
181 Medicare fee-for-service plan.

182 (b) The State Department [of Social Services] on Aging shall
183 administer the CHOICES health insurance assistance program, which
184 shall be a comprehensive Medicare advocacy program that provides
185 assistance to Connecticut residents who are Medicare beneficiaries.
186 The program shall: (1) Maintain a toll-free telephone number to
187 provide advice and information on Medicare benefits, including
188 prescription drug benefits available through the Medicare Part D
189 program, the Medicare appeals process, health insurance matters
190 applicable to Medicare beneficiaries and long-term care options
191 available in the state at least five days per week during normal
192 business hours; (2) provide information, advice and representation,
193 where appropriate, concerning the Medicare appeals process, by a
194 qualified attorney or paralegal at least five days per week during
195 normal business hours; (3) prepare and distribute written materials to
196 Medicare beneficiaries, their families, senior citizens and organizations
197 regarding Medicare benefits, including prescription drug benefits
198 available through the Medicare Part D program and long-term care
199 options available in the state; (4) develop and distribute a Connecticut
200 Medicare consumers guide, after consultation with the Insurance
201 Commissioner and other organizations involved in servicing,
202 representing or advocating for Medicare beneficiaries, which shall be
203 available to any individual, upon request, and shall include: (A)

204 Information permitting beneficiaries to compare their options for
205 delivery of Medicare services; (B) information concerning the Medicare
206 plans available to beneficiaries, including the traditional Medicare fee-
207 for-service plan, Medicare Part D plans and the benefits and services
208 available through each plan; (C) information concerning the procedure
209 to appeal a denial of care and the procedure to request an expedited
210 appeal of a denial of care; (D) information concerning private
211 insurance policies and federal and state-funded programs that are
212 available to supplement Medicare coverage for beneficiaries; (E) a
213 worksheet for beneficiaries to use to evaluate the various plans,
214 including Medicare Part D programs; and (F) any other information
215 the program deems relevant to beneficiaries; (5) collaborate with other
216 state agencies and entities in the development of consumer-oriented
217 websites that provide information on Medicare plans, including
218 Medicare Part D plans, and long-term care options that are available in
219 the state; and (6) include any functions the department deems
220 necessary to conform to federal grant requirements.

221 (c) The Insurance Commissioner, in cooperation with, or on behalf
222 of, the Commissioner [of Social Services] on Aging, may require each
223 Medicare organization to: (1) Annually submit to the commissioner
224 any data, reports or information relevant to plan beneficiaries; and (2)
225 at any other times at which changes occur, submit information to the
226 commissioner concerning current benefits, services or costs to
227 beneficiaries. Such information may include information required
228 under section 38a-478c.

229 (d) Each Medicare organization that fails to file the annual data,
230 reports or information requested pursuant to subsection (c) of this
231 section shall pay a late fee of one hundred dollars per day for each day
232 from the due date of such data, reports or information to the date of
233 filing. Each Medicare organization that files incomplete annual data,
234 reports or information shall be so informed by the Insurance
235 Commissioner, shall be given a date by which to remedy such
236 incomplete filing and shall pay said late fee commencing from the new

237 due date.

238 (e) Not later than June 1, 2001, and annually thereafter, the
239 Insurance Commissioner, in conjunction with the Healthcare
240 Advocate, shall submit to the Governor and to the joint standing
241 committees of the General Assembly having cognizance of matters
242 relating to human services and insurance and to the select committee
243 of the General Assembly having cognizance of matters relating to
244 aging, a list of those Medicare organizations that have failed to file any
245 data, reports or information requested pursuant to subsection (c) of
246 this section.

247 (f) All hospitals, as defined in section 19a-490, which treat persons
248 covered by Medicare Part A shall: (1) Notify incoming patients covered
249 by Medicare of the availability of the services established pursuant to
250 subsection (b) of this section, (2) post or cause to be posted in a
251 conspicuous place therein the toll-free number established pursuant to
252 subsection (b) of this section, and (3) provide each Medicare patient
253 with the toll-free number and information on how to access the
254 CHOICES program.

255 Sec. 9. Section 17b-429 of the general statutes is repealed and the
256 following is substituted in lieu thereof (*Effective July 1, 2009*):

257 The Commissioner of Social Services, in coordination with the
258 Commissioner on Aging, shall, within available appropriations, make
259 information available to senior citizens and disabled persons
260 concerning any pharmaceutical company's drug program for indigent
261 persons by utilizing the ConnPACE program, the CHOICES health
262 insurance assistance program, as defined in section 17b-427, and
263 Infoline of Connecticut to deliver such information.

264 Sec. 10. Section 17b-349e of the general statutes is repealed and the
265 following is substituted in lieu thereof (*Effective July 1, 2009*):

266 (a) As used in this section:

267 (1) "Respite care services" means support services which provide
268 short-term relief from the demands of ongoing care for an individual
269 with Alzheimer's disease.

270 (2) "Caretaker" means a person who has the responsibility for the
271 care of an individual with Alzheimer's disease or has assumed the
272 responsibility for such individual voluntarily, by contract or by order
273 of a court of competent jurisdiction.

274 (3) "Copayment" means a payment made by or on behalf of an
275 individual with Alzheimer's disease for respite care services.

276 (4) "Individual with Alzheimer's disease" means an individual with
277 Alzheimer's disease or related disorders.

278 (b) The Commissioner [of Social Services] on Aging shall establish a
279 [demonstration] program, within available appropriations, to provide
280 respite care services for caretakers of individuals with Alzheimer's
281 disease, provided such individuals with Alzheimer's disease meet the
282 requirements set forth in subsection (c) of this section. Such respite
283 care services may include, but need not be limited to (1) homemaker
284 services; (2) adult day care; (3) temporary care in a licensed medical
285 facility; (4) home-health care; or (5) companion services. Such respite
286 care services may be administered directly by the department, or
287 through contracts for services with providers of such services, or by
288 means of direct subsidy to caretakers of individuals with Alzheimer's
289 disease to purchase such services.

290 (c) (1) No individual with Alzheimer's disease may participate in the
291 program if such individual (A) has an annual income of more than
292 thirty thousand dollars or liquid assets of more than eighty thousand
293 dollars, or (B) is receiving services under the Connecticut home-care
294 program for the elderly.

295 (2) No individual with Alzheimer's disease who participates in the
296 program may receive more than three thousand five hundred dollars

297 for services under the program in any fiscal year or receive more than
298 thirty days of out-of-home respite care services other than adult day
299 care services under the program in any fiscal year.

300 (3) The commissioner may require an individual with Alzheimer's
301 disease who participates in the program to pay a copayment for respite
302 care services under the program, except the commissioner may waive
303 such copayment upon demonstration of financial hardship by such
304 individual.

305 (d) The commissioner shall adopt regulations in accordance with the
306 provisions of chapter 54 to implement the provisions of this section.
307 Such regulations shall include, but need not be limited to (1) standards
308 for eligibility for respite care services; (2) the basis for priority in
309 receiving services; (3) qualifications and requirements of providers,
310 which shall include specialized training in Alzheimer's disease,
311 dementia and related disorders; (4) a requirement that providers
312 accredited by the Joint Commission on the Accreditation of Healthcare
313 Organizations, when available, receive preference in contracting for
314 services; (5) provider reimbursement levels; (6) limits on services and
315 cost of services; and (7) a fee schedule for copayments.

316 [(e) The Commissioner of Social Services may allocate any funds
317 appropriated in excess of five hundred thousand dollars for the
318 demonstration program among the five area agencies on aging
319 according to need, as determined by said commissioner.]

320 Sec. 11. Subsection (a) of section 17b-792 of the general statutes is
321 repealed and the following is substituted in lieu thereof (*Effective July*
322 *1, 2009*):

323 (a) The State Department [of Social Services] on Aging shall be
324 responsible for the administration of programs which provide
325 nutritionally sound diets to needy elderly persons and for the
326 expansion of such programs when possible. Such programs shall be
327 continued in such a manner as to fully utilize congregate feeding and

328 nutrition education of elderly citizens who qualify for such program.

329 Sec. 12. Section 17b-400 of the general statutes is repealed and the
330 following is substituted in lieu thereof (*Effective July 1, 2009*):

331 (a) As used in this chapter:

332 (1) "State agency" means the [Division of Elderly Services of the
333 Department of Social Services] State Department on Aging.

334 (2) "Office" means the Office of the Long-Term Care Ombudsman
335 established in this section.

336 (3) "State Ombudsman" means the State Ombudsman established in
337 this section.

338 (4) "Program" means the long-term care ombudsman program
339 established in this section.

340 (5) "Representative" includes a regional ombudsman, a residents'
341 advocate or an employee of the Office of the Long-Term Care
342 Ombudsman who is individually designated by the ombudsman.

343 (6) "Resident" means an older individual who resides in or is a
344 patient in a long-term care facility who is sixty years of age or older.

345 (7) "Long-term care facility" means any skilled nursing facility, as
346 defined in Section 1819(a) of the Social Security Act, (42 USC 1395i-
347 3(a)) any nursing facility, as defined in Section 1919(a) of the Social
348 Security Act, (42 USC 1396r(a)) a board and care facility as defined in
349 Section 102(19) of the federal Older Americans Act, (42 USC 3002(19))
350 and for purposes of ombudsman program coverage, an institution
351 regulated by the state pursuant to Section 1616(e) of the Social Security
352 Act, (42 USC 1382e(e)) and any other adult care home similar to a
353 facility or nursing facility or board and care home.

354 (8) "Commissioner" means the Commissioner [of Social Services] on
355 Aging.

356 [(9) "Director" means the director of the Division of Elderly Services
357 of the Department of Social Services.]

358 [(10)] (9) "Applicant" means an older individual who has applied for
359 admission to a long-term care facility.

360 (b) There is established an independent Office of the Long-Term
361 Care Ombudsman within the State Department [of Social Services] on
362 Aging. The Commissioner [of Social Services] on Aging shall appoint a
363 State Ombudsman who shall be selected from among individuals with
364 expertise and experience in the fields of long-term care and advocacy
365 to head the office and the State Ombudsman shall appoint assistant
366 regional ombudsmen. In the event the State Ombudsman or an
367 assistant regional ombudsman is unable to fulfill the duties of the
368 office, the commissioner shall appoint an acting State Ombudsman and
369 the State Ombudsman shall appoint an acting assistant regional
370 ombudsman.

371 (c) Notwithstanding the provisions of subsection (b) of this section,
372 on and after July 1, 1990, the positions of State Ombudsman and
373 regional ombudsmen shall be classified service positions. The State
374 Ombudsman and regional ombudsmen holding said positions on said
375 date shall continue to serve in their positions as if selected through
376 classified service procedures. As vacancies occur in such positions
377 thereafter, such vacancies shall be filled in accordance with classified
378 service procedures.

379 Sec. 13. Section 17b-405 of the general statutes is repealed and the
380 following is substituted in lieu thereof (*Effective July 1, 2009*):

381 The regional ombudsmen shall, in accordance with the policies and
382 procedures established by the Office of the Long-Term Care
383 Ombudsman and the [director] Commissioner on Aging:

384 (1) Provide services to protect the health, safety, welfare and rights
385 of residents;

386 (2) Ensure that residents in service areas have regular timely access
387 to representatives of the program and timely responses to complaints
388 and requests for assistance;

389 (3) Identify, investigate and resolve complaints made by or on
390 behalf of residents that relate to action, inaction or decisions that may
391 adversely affect the health, safety, welfare or rights of the residents or
392 by, or on behalf of, applicants in relation to issues concerning
393 applications to long-term care facilities;

394 (4) Represent the interests of residents and applicants, in relation to
395 their applications to long-term care facilities, before government
396 agencies and seek administrative, legal and other remedies to protect
397 the health, safety, welfare and rights of the residents;

398 (5) (A) Review and, if necessary, comment on any existing and
399 proposed laws, regulations and other government policies and actions
400 that pertain to the rights and well-being of residents and applicants in
401 relation to their applications to long-term care facilities, and (B)
402 facilitate the ability of the public to comment on the laws, regulations,
403 policies and actions;

404 (6) Support the development of resident and family councils; and

405 (7) Carry out other activities that the State Ombudsman determines
406 to be appropriate.

407 Sec. 14. Subsection (c) of section 17b-406 of the general statutes is
408 repealed and the following is substituted in lieu thereof (*Effective July*
409 *1, 2009*):

410 (c) The Commissioner [of Social Services] on Aging shall have
411 authority to seek funding for the purposes contained in this section
412 from public and private sources, including but not limited to any
413 federal or state funded programs.

414 Sec. 15. Section 17b-407 of the general statutes is repealed and the

415 following is substituted in lieu thereof (*Effective July 1, 2009*):

416 (a) Any physician or surgeon licensed under the provisions of
417 chapter 370, any resident physician or intern in any hospital in this
418 state, whether or not so licensed, and any registered nurse, licensed
419 practical nurse, medical examiner, dentist, optometrist, chiropractor,
420 podiatrist, social worker, clergyman, police officer, pharmacist,
421 physical therapist, long-term care facility administrator, nurse's aide or
422 orderly in a long-term care facility, any person paid for caring for a
423 patient in a long-term care facility, any staff person employed by a
424 long-term care facility and any person who is a sexual assault
425 counselor or a battered women's counselor as defined in section
426 52-146k who has reasonable cause to suspect or believe that a resident
427 in a long-term care facility has been abused, neglected, exploited or
428 abandoned, or is in a condition that is the result of such abuse, neglect,
429 exploitation or abandonment, shall, not later than seventy-two hours
430 after such suspicion or belief arose, report such information or cause a
431 report to be made in any reasonable manner to the Commissioner [of
432 Social Services] on Aging pursuant to chapter 319dd. Any person
433 required to report under the provision of this section who fails to make
434 such report within the prescribed time period shall be fined not more
435 than five hundred dollars, except that, if such person intentionally fails
436 to make such report within the prescribed time period, such person
437 shall be guilty of a class C misdemeanor for the first offense and a class
438 A misdemeanor for any subsequent offense.

439 (b) Such report shall contain the name and address of the long-term
440 care facility, the name of the involved resident, information regarding
441 the nature and extent of the abuse, neglect, exploitation or
442 abandonment and any other information which the reporter believes
443 might be helpful in an investigation of the case and for the protection
444 of the resident.

445 (c) Any other person having reasonable cause to believe that a
446 resident in a long-term care facility is being, or has been, abused,

447 neglected, exploited or abandoned, or any person who wishes to file
448 any other complaint regarding a long-term care facility, shall report
449 such information in accordance with subsection (b) of this section in
450 any reasonable manner to the Commissioner [of Social Services] on
451 Aging who shall inform the resident of the services of the Office of the
452 Long-Term Care Ombudsman.

453 (d) Such report or complaint shall not be deemed a public record,
454 and shall not be subject to the provisions of section 1-210. Information
455 derived from such reports or complaints for which reasonable grounds
456 are determined to exist after investigation as provided for in section
457 17b-408, including the identity of the long-term care facility, the
458 number of complaints received, the number of complaints
459 substantiated and the types of complaints, may be disclosed by the
460 Commissioner [of Social Services] on Aging, except that in no case
461 shall the name of the resident or the complainant be revealed, unless
462 such person specifically requests such disclosure or unless a judicial
463 proceeding results from such report or complaint.

464 (e) Any person who makes a report or complaint pursuant to this
465 section or who testifies in any administrative or judicial proceeding
466 arising from the report shall be immune from any civil or criminal
467 liability on account of such report or complaint or testimony, except
468 for liability for perjury, unless such person acted in bad faith or with
469 malicious purpose.

470 (f) Any person who is discharged or in any manner discriminated or
471 retaliated against for making, in good faith, a report or complaint
472 pursuant to this section shall be entitled to all remedies available
473 under law including, but not limited to, remedies available under
474 sections 19a-532 and 31-51m, as applicable.

475 (g) The person filing a report or complaint pursuant to the
476 provisions of this section shall be notified of the findings of any
477 investigation conducted by the Commissioner [of Social Services] on
478 Aging, upon request.

479 [(h) The Commissioner of Social Services shall maintain a registry of
480 the reports received, the investigations made, the findings and the
481 actions recommended and taken.]

482 Sec. 16. Section 17b-411 of the general statutes is repealed and the
483 following is substituted in lieu thereof (*Effective July 1, 2009*):

484 The Commissioner [of Social Services] on Aging, after consultation
485 with the State Ombudsman, shall adopt regulations in accordance with
486 the provisions of chapter 54, to carry out the provisions of sections
487 17b-400 to 17b-412, inclusive, 19a-531 and 19a-532.

488 Sec. 17. Section 17b-412 of the general statutes is repealed and the
489 following is substituted in lieu thereof (*Effective July 1, 2009*):

490 The [director] Commissioner on Aging shall require the State
491 Ombudsman to:

492 (1) Prepare an annual report:

493 (A) Describing the activities carried out by the office in the year for
494 which the report is prepared;

495 (B) Containing and analyzing the data collected under section 17b-
496 413;

497 (C) Evaluating the problems experienced by and the complaints
498 made by or on behalf of residents;

499 (D) Containing recommendations for (i) improving the quality of
500 the care and life of the residents, and (ii) protecting the health, safety,
501 welfare and rights of the residents;

502 (E) (i) Analyzing the success of the program including success in
503 providing services to residents of long-term care facilities; and (ii)
504 identifying barriers that prevent the optimal operation of the program;
505 and

506 (F) Providing policy, regulatory and legislative recommendations to
507 solve identified problems, to resolve the complaints, to improve the
508 quality of the care and life of residents, to protect the health, safety,
509 welfare and rights of residents and to remove the barriers that prevent
510 the optimal operation of the program.

511 (2) Analyze, comment on and monitor the development and
512 implementation of federal, state and local laws, regulations and other
513 government policies and actions that pertain to long-term care facilities
514 and services, and to the health, safety, welfare and rights of residents
515 in the state, and recommend any changes in such laws, regulations and
516 policies as the office determines to be appropriate.

517 (3) (A) Provide such information as the office determines to be
518 necessary to public and private agencies, legislators and other persons,
519 regarding (i) the problems and concerns of older individuals residing
520 in long-term care facilities; and (ii) recommendations related to the
521 problems and concerns; and (B) make available to the public and
522 submit to the federal assistant secretary for aging, the Governor, the
523 General Assembly, the Department of Public Health and other
524 appropriate governmental entities, each report prepared under
525 subdivision (1) of this section.

526 Sec. 18. Section 17b-413 of the general statutes is repealed and the
527 following is substituted in lieu thereof (*Effective July 1, 2009*):

528 The [state agency] Commissioner on Aging shall establish a state-
529 wide uniform system to: (1) [Collect and] Document reports received,
530 the investigations made, the findings and the actions recommended
531 and taken; (2) analyze data relating to complaints and conditions in
532 long-term care facilities and to residents for the purpose of identifying
533 and resolving significant problems; and [(2)] (3) submit the data, on a
534 regular basis to: (A) The Department of Public Health; (B) other state
535 and federal entities that the State Ombudsman determines to be
536 appropriate; [and] (C) the National Ombudsman Resource Center,
537 established in Section 202(a)(21) of the federal Older Americans Act of

538 1965, as amended from time to time; and (D) the Department of Social
 539 Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	17a-317
Sec. 2	<i>July 1, 2009</i>	17b-421
Sec. 3	<i>July 1, 2009</i>	17b-422
Sec. 4	<i>July 1, 2009</i>	17b-423
Sec. 5	<i>July 1, 2009</i>	17b-424
Sec. 6	<i>July 1, 2009</i>	17b-425
Sec. 7	<i>July 1, 2009</i>	17b-426
Sec. 8	<i>July 1, 2009</i>	17b-427
Sec. 9	<i>July 1, 2009</i>	17b-429
Sec. 10	<i>July 1, 2009</i>	17b-349e
Sec. 11	<i>July 1, 2009</i>	17b-792(a)
Sec. 12	<i>July 1, 2009</i>	17b-400
Sec. 13	<i>July 1, 2009</i>	17b-405
Sec. 14	<i>July 1, 2009</i>	17b-406(c)
Sec. 15	<i>July 1, 2009</i>	17b-407
Sec. 16	<i>July 1, 2009</i>	17b-411
Sec. 17	<i>July 1, 2009</i>	17b-412
Sec. 18	<i>July 1, 2009</i>	17b-413

Statement of Purpose:

To implement the Governor's budget recommendations.

[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.]