



STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
PERSONS WITH DISABILITIES
60B WESTON STREET, HARTFORD, CT 06120-1551

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Beth Leslie
Legislative Liaison
Office of Protection and Advocacy for Persons with Disabilities
Cell 860-371-7614

Please support **H.B. 5232 AN ACT CONCERNING TRANSFER OR DISCHARGE OF RESIDENTIAL CARE HOME PATIENTS**. Purpose: To allow non-attorney advocates to represent residential care home residents at hearings to appeal a transfer or discharge, to specify the time for filing documents related to a transfer or discharge, and to extend the time period to appeal a transfer or discharge.

Why this bill is needed:

The Office of Protection and Advocacy for Persons with Disabilities has been involved in 20 discharge hearings in two years. The resident prevailed in 19 of 20 cases—either because the resident was not given a proper, written discharge with a care plan (as required by current law) or the reason for the discharge was not allowed by current law. This bill does not change the need for a written discharge plan and does not change the reasons for which a person can be discharged.

What this bill does:

1. Allows a resident to choose someone to represent them at a discharge hearing
2. Gives the resident somewhere to call for assistance
3. Increases the time a resident has to file an appeal (but *does not expand* the 30 day notice period—they resident could still be discharged in a timely manner)

What this bill DOES NOT do:

This bill does not change the substantive current law regarding why and how a Residential Care Home can transfer or discharge a resident. Connecticut General Statutes 19a-490(b) does not change and will continue to state that discharges and transfers are allowable if:

- "(1) the transfer or discharge is necessary to meet the resident's welfare and the resident's welfare cannot be met in the facility,
- (2) the transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the facility,
- (3) the health or safety of individuals in the facility is endangered,
- (4) the resident has failed, after reasonable and appropriate notice, to pay for a stay or a requested service, at the facility, or
- (5) the facility ceases to operate."

This legislation is supported by the Department of Mental Health and Addiction Services, the Long Term Care Ombudsman and the Connecticut Legal Rights Project and the Department of Public Health (which licenses Residential Care Homes) does not object to this bill.

Phone: 1/860-297-4300, 1/800-842-7303; TDD: 1/860-566-2102; FAX: 1/860-566-8714

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