



General Assembly

February Session, 2010

**Raised Bill No. 104**

LCO No. 83

\*00083 \_\_\_\_\_ AGE\*

Referred to Committee on Select Committee on Aging

Introduced by:  
(AGE)

**AN ACT ESTABLISHING A CAUSE OF ACTION FOR NURSING HOME FACILITIES AGAINST RECIPIENTS OF TRANSFERS OF ASSETS.**

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

1 Section 1. (NEW) (*Effective October 1, 2010*) When (1) a patient of a  
2 nursing home, as defined in section 19a-490 of the general statutes, is  
3 not eligible for medical assistance pursuant to section 17b-261 of the  
4 general statutes because of a transfer or assignment of assets resulting  
5 in the imposition of a penalty period, and (2) such nursing home has  
6 not received full payment for services provided to such patient during  
7 such penalty period, the recipient of a transfer or assignment of assets  
8 resulting in the imposition of such penalty period shall be liable to the  
9 nursing home in an amount not to exceed the lesser of (A) the fair  
10 market value of the assets at the time of the transfer or assignment, or  
11 (B) the amount of the outstanding balance due the nursing home for  
12 services provided to such patient during such penalty period.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2010</i>	New section
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**Statement of Purpose:**

To provide nursing home facilities with a cause of action against the recipient of a transfer of assets to recover the outstanding balance due from any resident who does not qualify for Medicaid as a result of a transfer of assets.

*[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.]*