



General Assembly

January Session, 2011

**Committee Bill No. 299**

LCO No. 2595

\*02595SB00299HS\_\*

Referred to Committee on Human Services

Introduced by:  
(HS)

**AN ACT CONCERNING THE ENFORCEMENT OF SURETY  
CONTRACTS BY NURSING HOMES.**

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

1 Section 1. Section 19a-539 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Each nursing home facility shall disclose in writing to all  
4 prospective patients a complete and accurate list of all additional costs  
5 which may be incurred by them and such nursing home facility shall  
6 display or cause to be displayed copies of such list in conspicuous  
7 places therein.

8 (b) Nursing home facilities, as defined in section 19a-521, shall be  
9 prohibited from enforcing a [surety] contract [on behalf of an applicant  
10 required as a condition of admission] with a third-party guarantor or  
11 an admissions agreement entered into with a responsible party who  
12 has access to an applicant or resident's assets or financial information  
13 unless: (1) The guarantor under such contract or [his] the guarantor's  
14 spouse, [or his children] child or [his grandchildren] grandchild has  
15 received an assignment or transfer or other disposition of property for

16 less than fair market value, pursuant to section 17b-261, from the  
17 applicant; or (2) the applicant fails to return a properly completed  
18 application for Title XIX benefits to the Department of Social Services  
19 in accordance with its regulations; and (3) such contract contains a  
20 [clause which states the] notice advising the applicant, third-party  
21 guarantor or responsible party that: (A) The contract is enforceable  
22 against the guarantor, [or his] the guarantor's spouse, [or his children]  
23 child or [his grandchildren] grandchild if such guarantor or [his] the  
24 guarantor's spouse, [or his children] child or [his grandchildren have]  
25 grandchild has received an assignment or transfer or other disposition  
26 of property for less than fair market value, pursuant to section 17b-261,  
27 from the applicant or if said applicant fails to return a properly  
28 completed application for Title XIX benefits to the Department of  
29 Social Services in accordance with its regulations; (B) state and federal  
30 law prohibit a nursing home facility from requiring a third party to  
31 personally guarantee payment as a condition of admission or  
32 continued stay in the facility; and (C) due to the complexity involved  
33 in preparing an application for Title XIX benefits, it may be advisable  
34 for the person completing such application to seek professional  
35 assistance or legal advice. Such notice shall be written in not less than  
36 ten-point, boldface type, shall be stated in plain and simple language  
37 and, whenever possible and in accordance with any applicable federal  
38 guidelines, shall be in the primary language of the recipient.

39 (c) A nursing home facility may prepare and submit an application  
40 for Title XIX benefits to the Department of Social Services on behalf of  
41 a person residing in or seeking admission to the nursing home facility,  
42 provided such person or such person's authorized representative  
43 authorizes the nursing home facility, in writing, to prepare and submit  
44 such application on such person's behalf.

45 [(c)] (d) Nothing in this section shall be interpreted as prohibiting  
46 the acceptance of a voluntary surety contract.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2011	19a-539
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**Statement of Purpose:**

To require nursing homes to fully and fairly inform relatives and conservators of nursing home patients of their obligations as responsible parties for the nursing home patients.

*[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.]*

Co-Sponsors: SEN. COLEMAN, 2nd Dist.

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