



General Assembly

Substitute Bill No. 1065

January Session, 2011

* _____SB01065JUD__051811_____*

AN ACT CONCERNING FEAR OF RETALIATION TRAINING IN NURSING HOME FACILITIES.

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

1 Section 1. Subsection (b) of section 17b-403 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (b) The State Ombudsman shall serve on a full-time basis, and shall
5 personally or through representatives of the office:

6 (1) Identify, investigate and resolve complaints that:

7 (A) Are made by, or on behalf of, residents or, as to complaints
8 involving the application for admission to a long-term care facility, by
9 or on behalf of applicants; and

10 (B) Relate to action, inaction or decisions that may adversely affect
11 the health, safety, welfare or rights of the residents, including the
12 welfare and rights of the residents with respect to the appointment and
13 activities of guardians and representative payees, of (i) providers or
14 representatives of providers of long-term care services, (ii) public
15 agencies, or (iii) health and social service agencies;

16 (2) Provide services to protect the health, safety, welfare and rights
17 of the residents;

18 (3) Inform the residents about means of obtaining services provided
19 by providers or agencies described in subparagraph (B) of subdivision
20 (1) of this subsection or services described in subdivision (2) of this
21 subsection;

22 (4) Ensure that the residents and, as to issues involving applications
23 for admission to long-term care facilities, applicants have regular and
24 timely access to the services provided through the office and that the
25 residents and complainants receive timely responses from
26 representatives of the office to complaints;

27 (5) Represent the interests of the residents, and of applicants in
28 relation to issues concerning applications to long-term care facilities,
29 before governmental agencies and seek administrative, legal and other
30 remedies to protect the health, safety, welfare and rights of the
31 residents;

32 (6) Provide administrative and technical assistance to
33 representatives to assist the representatives in participating in the
34 program;

35 (7) (A) Analyze, comment on and monitor the development and
36 implementation of federal, state and local laws, regulations, and other
37 governmental policies and actions that pertain to the health, safety,
38 welfare and rights of the residents with respect to the adequacy of
39 long-term care facilities and services in this state and to the rights of
40 applicants in relation to applications to long-term care facilities;

41 (B) Recommend any changes in such laws, regulations, policies and
42 actions as the office determines to be appropriate; and

43 (C) Facilitate public comment on the laws, regulations, policies and
44 actions;

45 (8) Advocate for:

46 (A) Any changes in federal, state and local laws, regulations and
47 other governmental policies and actions that pertain to the health,

48 safety, welfare and rights of residents with respect to the adequacy of
49 long-term care facilities and services in this state and to the health,
50 safety, welfare and rights of applicants which the State Ombudsman
51 determines to be appropriate;

52 (B) Appropriate action by groups or agencies with jurisdictional
53 authority to deal with problems affecting individual residents and the
54 general resident population and applicants in relation to issues
55 concerning applications to long-term care facilities; and

56 (C) The enactment of legislative recommendations by the General
57 Assembly and of regulatory recommendations by commissioners of
58 Connecticut state agencies;

59 (9) (A) Provide for training representatives of the office;

60 (B) Promote the development of citizen organizations to participate
61 in the program; and

62 (C) Provide technical support for the development of resident and
63 family councils to protect the well-being and rights of residents;

64 (10) Coordinate ombudsman services with the protection and
65 advocacy systems for individuals with developmental disabilities and
66 mental illnesses established under (A) Part A of the Development
67 Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and
68 (B) The Protection and Advocacy for Mentally Ill Individuals Act of
69 1986 (42 USC 10801 et seq.);

70 (11) Coordinate, to the greatest extent possible, ombudsman services
71 with legal assistance provided under Section 306(a)(2)(C) of the federal
72 Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from
73 time to time, through the adoption of memoranda of understanding
74 and other means;

75 (12) Create, and periodically update as needed, a training manual
76 that provides guidance on structuring and implementing the fear of
77 retaliation training required by section 2 of this act for use by nursing

