



General Assembly

February Session, 2012

Raised Bill No. 5476

LCO No. 2052

02052_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT EXPANDING CONSUMER CHOICE FOR SKILLED NURSING CARE AT HOME.

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

1 Section 1. (NEW) (*Effective July 1, 2012*) (a) The Commissioner of
2 Social Services shall apply for a federal Medicaid waiver pursuant to
3 Section 1115 of the Social Security Act to establish a pilot program to
4 give Medicaid recipients, who are receiving continuous, skilled
5 nursing care at home, the option of directly hiring private duty nurses.
6 For purposes of this section, skilled nursing care means complex
7 medical care provided by a licensed practical nurse or registered
8 nurse, including, but not limited to, treating patients on respiratory
9 assistance via a ventilator. "Continuous" means a minimum of four
10 consecutive hours of skilled nursing care per day.

11 (b) The commissioner shall establish a process whereby nurses are
12 certified by the Department of Social Services to provide such skilled
13 care. The commissioner may establish a reasonable fee payable to the
14 Department of Social Services by any nurse who applies for
15 certification. Certification requirements shall include, but not be
16 limited to, that nurses (1) have a current affiliation with an accredited

17 hospital or other nursing facility, (2) have a current Medicaid provider
18 number, (3) have at least one year of experience providing such care,
19 (4) certify, in writing, that they shall not terminate care without
20 providing a two-week written notice to the consumer, except in cases
21 of documented severe illness, injury or death, (5) agree to implement a
22 physician-approved plan of care, (6) submit to a criminal background
23 check and demonstrate no convictions, and (7) certify, in writing, that
24 they shall assist the consumer in obtaining replacement care in the
25 event the nurse is unable to work for any reason.

26 (c) The commissioner shall establish a central registry of such
27 certified nurses and shall (1) post such registry on the department's
28 Internet web site, and (2) provide such list to consumers who make
29 inquiries by telephone.

30 (d) The commissioner shall establish (1) a system to compensate
31 individual certified nurses who have obtained a Medicaid provider
32 number, and (2) a rate structure commensurate with the specialized
33 experience such nurses possess. Under the rate structure, for the fiscal
34 year ending June 30, 2013, (A) registered nurses certified under the
35 program shall be paid a minimum of thirty-eight dollars per hour, and
36 (B) licensed practical nurses certified under the program shall be paid
37 a minimum of twenty-eight dollars per hour.

38 (e) The pilot program shall end five years after inception, and the
39 commissioner shall apply for federal approval to renew the program at
40 that time. The program shall be structured so that net federal costs
41 under the program do not exceed net costs the federal government
42 would have incurred without the pilot program.

43 (f) At least annually, the Department of Social Services or a health-
44 care provider licensed by the department shall screen each interested
45 consumer for competency to manage his or her care. The consumer, a
46 legal guardian or other designated able adult, shall certify, in writing,
47 that he or she is responsible for scheduling care, including back-up
48 support should an assigned nurse be unable to work in the event of

49 severe illness, injury or death.

50 (g) The nurses certified for said pilot program shall work within the
51 hourly limits of (1) the physician-directed care plan approved by the
52 Department of Social Services for the consumer, (2) the physician-
53 directed care plan developed by any licensed agency which has
54 contracted with the department for the consumer's care, or (3) a care
55 plan developed by the consumer's physician and approved by the
56 Department of Social Services.

57 (h) The consumer may hire private duty nurses to complement care
58 provided by a licensed agency or to provide sole coverage for all hours
59 approved for Medicaid coverage under the physician-approved care
60 plan.

61 Sec. 2. (NEW) (*Effective July 1, 2012*) (a) Not later than October 1,
62 2012, the commissioner shall conduct a survey of Medicaid recipients
63 receiving continuous, skilled nursing care at home and of the licensed
64 home care agencies that serve them to determine (1) the number of
65 recipients receiving such care at home; (2) the number of times each
66 consumer has had his or her care terminated by any such agency over
67 the past two years and the reasons given by the agency for such
68 termination; (3) the number of nurses, experience and degree level
69 hired by any such agency, and the percentage such nurses comprise of
70 the total staff; and (4) the hourly rate of pay and pay differential, if
71 any, provided to such nurses as compared to other nursing staff hired
72 by each agency.

73 (b) Not later than January 1, 2013, the commissioner shall submit a
74 report on the survey results, in accordance with the provisions of
75 section 11-4a of the general statutes, to the joint standing committee of
76 the General Assembly having cognizance of matters relating to human
77 services.

78 Sec. 3. Section 20-87a of the 2012 supplement to the general statutes
79 is amended by adding subsection (e) as follows (*Effective July 1, 2012*):

80 (NEW) (e) In the case of a registered or licensed practical nurse
81 certified as an independent Medicaid provider of skilled nursing care
82 in the state of Connecticut, the practice of nursing includes, but is not
83 limited to, executing the medical regimen for a Medicaid recipient who
84 is receiving continuous, skilled nursing care at home under a care plan
85 directed by a physician. A licensed practical nurse who is a state-
86 certified Medicaid provider of skilled nursing services may execute
87 such regimen regardless of whether the licensed practical nurse is
88 directly supervised by a registered nurse.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	New section
Sec. 2	<i>July 1, 2012</i>	New section
Sec. 3	<i>July 1, 2012</i>	20-87a

Statement of Purpose:

To expand consumer options for continuous, skilled nursing care at home.

[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.]