



General Assembly

February Session, 2012

**Amendment**

LCO No. 4668

**\*SB0041904668SD0\***

Offered by:  
SEN. COLEMAN, 2<sup>nd</sup> Dist.

To: Senate Bill No. 419

File No. 536

Cal. No. 381

**"AN ACT CONCERNING RESPONSIBLE PARTY AGREEMENTS  
AND THE MAINTENANCE OF PROFESSIONAL LIABILITY  
INSURANCE BY NURSING HOMES, HOME HEALTH CARE  
AGENCIES AND HOMEMAKER-HOME HEALTH AIDE AGENCIES."**

1 Strike lines 8 to 40, inclusive, in their entirety and substitute the  
2 following in lieu thereof:

3 "(b) [Nursing home facilities, as defined in section 19a-521, shall be  
4 prohibited from enforcing a surety contract on behalf of an applicant  
5 required as a condition of admission] Each nursing home facility shall  
6 be prohibited from enforcing a contract with a third-party guarantor or  
7 an admission agreement entered into with a responsible party who has  
8 access to the assets or financial information of a nursing home facility  
9 applicant or resident unless: (1) The guarantor under such contract or  
10 [his spouse or his children or his grandchildren] the responsible party  
11 under such admission agreement or the guarantor's or the responsible  
12 party's spouse, child or grandchild has received an assignment or  
13 transfer or other disposition of property for less than fair market value,  
14 pursuant to section 17b-261, from the applicant; or (2) the applicant

15 fails to return a properly completed application for Title XIX benefits  
16 to the Department of Social Services in accordance with its regulations;  
17 and (3) such contract or admission agreement contains a [clause which  
18 states the contract] notice advising the applicant, third-party guarantor  
19 or responsible party that: (A) The contract or admission agreement is  
20 enforceable against the guarantor or [his spouse or his children or his  
21 grandchildren] the responsible party or the guarantor's or responsible  
22 party's spouse, child or grandchild if such guarantor or [his spouse or  
23 his children or his grandchildren have] responsible party or the  
24 guarantor's or responsible party's spouse, child or grandchild has  
25 received an assignment or transfer or other disposition of property for  
26 less than fair market value, pursuant to section 17b-261, from the  
27 applicant or if said applicant fails to return a properly completed  
28 application for Title XIX benefits to the Department of Social Services  
29 in accordance with its regulations; (B) state and federal law prohibit a  
30 nursing home facility from requiring a third party to personally  
31 guarantee payment as a condition of admission or continued stay in  
32 the facility; and (C) due to the complexity involved in preparing an  
33 application for Title XIX benefits, it may be advisable for the person  
34 completing such application to seek professional assistance or legal  
35 advice. Such notice shall be in writing in not less than ten-point,  
36 boldface type, shall be stated in plain and simple language and,  
37 whenever possible and in accordance with any applicable federal  
38 guidelines, shall be in the primary language of the recipient. The notice  
39 provisions prescribed in subparagraphs (A) to (C), inclusive, of  
40 subdivision (3) of this subsection shall apply to contracts or admission  
41 agreements entered into on and after October 1, 2012."

42 In line 121, after the period insert "The provisions of this subsection  
43 shall not apply to a residential care home as defined in section 19a-  
44 490."