



General Assembly

Substitute Bill No. 6462

January Session, 2013



AN ACT CONCERNING A PILOT PROGRAM TO EXPAND THE DUTIES OF THE STATE LONG-TERM CARE OMBUDSMAN.

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

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) Not later than January 1,
2 2014, the Office of the Long-Term Care Ombudsman shall develop a
3 plan to expand the State Ombudsman's oversight to home and
4 community-based care recipients beginning with implementation of a
5 pilot program in Hartford County on and after July 1, 2014.

6 (b) The State Ombudsman, working in consultation with the
7 Commissioner on Aging, shall convene a working group of (1)
8 consumers receiving home and community-based care, (2) providers of
9 such care, (3) representatives of state agencies overseeing delivery of
10 such care, and (4) staff of the Office of the Long-Term Care
11 Ombudsman.

12 (c) The working group shall (1) conduct research into best practices
13 nation-wide to identify, investigate and resolve complaints filed by
14 recipients of home and community-based care, (2) develop training to
15 respond to such complaints for regional ombudsmen, and (3) identify
16 funding sources to expand oversight of the State Ombudsman from
17 long-term care facilities to home and community-based care.

18 (d) The State Ombudsman shall submit legislative

19 recommendations to implement the pilot program to the joint standing
20 committees of the General Assembly having cognizance of matters
21 relating to aging and human services not later than February 1, 2014.

22 Sec. 2. Subsection (b) of section 17b-403 of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective July*
24 *1, 2013*):

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

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

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

31 (B) Relate to action, inaction or decisions that may adversely affect
32 the health, safety, welfare or rights of the residents, including the
33 welfare and rights of the residents with respect to the appointment and
34 activities of guardians and representative payees, of (i) providers or
35 representatives of providers of long-term care services, (ii) public
36 agencies, or (iii) health and social service agencies;

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

39 (3) Inform the residents about means of obtaining services provided
40 by providers or agencies described in subparagraph (B) of subdivision
41 (1) of this subsection or services described in subdivision (2) of this
42 subsection;

43 (4) Ensure that the residents and, as to issues involving applications
44 for admission to long-term care facilities, applicants have regular and
45 timely access to the services provided through the office and that the
46 residents and complainants receive timely responses from
47 representatives of the office to complaints;

48 (5) Represent the interests of the residents, and of applicants in
49 relation to issues concerning applications to long-term care facilities,
50 before governmental agencies and seek administrative, legal and other
51 remedies to protect the health, safety, welfare and rights of the
52 residents;

53 (6) Provide administrative and technical assistance to
54 representatives to assist the representatives in participating in the
55 program;

56 (7) (A) Analyze, comment on and monitor the development and
57 implementation of federal, state and local laws, regulations, and other
58 governmental policies and actions that pertain to the health, safety,
59 welfare and rights of the residents with respect to the adequacy of
60 long-term care facilities and services in this state and to the rights of
61 applicants in relation to applications to long-term care facilities;

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

64 (C) Facilitate public comment on the laws, regulations, policies and
65 actions;

66 (8) Advocate for:

67 (A) Any changes in federal, state and local laws, regulations and
68 other governmental policies and actions that pertain to the health,
69 safety, welfare and rights of residents with respect to the adequacy of
70 long-term care facilities and services in this state and to the health,
71 safety, welfare and rights of applicants which the State Ombudsman
72 determines to be appropriate;

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

77 (C) The enactment of legislative recommendations by the General
78 Assembly and of regulatory recommendations by commissioners of
79 Connecticut state agencies;

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

81 (B) Promote the development of citizen organizations to participate
82 in the program; and

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

85 (10) Coordinate ombudsman services with the protection and
86 advocacy systems for individuals with developmental disabilities and
87 mental illnesses established under (A) Part A of the Development
88 Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and
89 (B) The Protection and Advocacy for Mentally Ill Individuals Act of
90 1986 (42 USC 10801 et seq.);

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

96 (12) Provide services described in subdivisions (1) to (11), inclusive,
97 of this subsection, to residents under age sixty living in a long-term
98 care facility, if (A) a majority of the residents of the facility where the
99 younger person resides are over age sixty and (B) such services do not
100 weaken or decrease service to older individuals covered under this
101 chapter; [and]

102 (13) Implement and administer, on and after July 1, 2014, a pilot
103 program that serves home and community-based care recipients in
104 Hartford County; and

105 ~~[(13)]~~ (14) Carry out such other activities and duties as may be

106 required under federal law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	17b-403(b)

AGE *Joint Favorable Subst.*