



General Assembly

**Substitute Bill No. 852**

January Session, 2013



**AN ACT CONCERNING NURSING HOME OVERSIGHT AND  
COMMUNITY-BASED PLACEMENTS.**

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

1 Section 1. Section 17b-339 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) There is established a Nursing Home Financial Advisory  
4 Committee to examine the financial solvency of nursing homes on an  
5 ongoing basis and to support the Departments of Social Services and  
6 Public Health in their mission to provide oversight to the nursing  
7 home industry on issues concerning the financial solvency of and  
8 quality of care provided by nursing homes. The committee shall  
9 convene not later than August 1, 2013, and consist of the following  
10 members: The Commissioner of Social Services, or [his] the  
11 commissioner's designee; the Commissioner of Public Health, or [his]  
12 the commissioner's designee; the Secretary of the Office of Policy and  
13 Management, or [his] the secretary's designee; the executive director of  
14 the Connecticut Health and Education Facilities Authority, or [his] the  
15 director's designee; [the president of LeadingAge Connecticut, Inc. or  
16 the president's designee; and the executive director of the Connecticut  
17 Association of Health Care Facilities, or the executive director's  
18 designee] the Long-Term Care Ombudsman; and two members  
19 appointed by the Governor, one of whom shall be a representative of  
20 not-for-profit nursing homes and one of whom shall be a  
21 representative of for-profit nursing homes. In addition, the Labor

22 Commissioner may appoint a nonvoting member to the committee. The  
23 Commissioner of Social Services [or his designee] and the  
24 Commissioner of Public Health, or [his designee] their designees shall  
25 be the chairpersons of the committee.

26 (b) The committee, upon receipt of a report relative to the financial  
27 solvency of and quality of care provided by nursing homes in the state,  
28 shall recommend appropriate action for improving the financial  
29 condition of any nursing home that [is in financial distress] may have  
30 insufficient resources to meet its operating costs to the Commissioner  
31 of Social Services and the Commissioner of Public Health. The  
32 Commissioner of Social Services shall submit quarterly reports to the  
33 committee concerning pending nursing home requests for interim rate  
34 increases. Such reports shall, without identifying any requesting  
35 facility by name, list the amount of each increase requested, the reason  
36 for the request and the rate that will result if the request is granted.

37 (c) Not later than January 1, [2010] 2014, and annually thereafter, the  
38 committee shall submit a report on its activities to the joint standing  
39 committees of the General Assembly having cognizance of matters  
40 relating to aging, appropriations and the budgets of state agencies,  
41 human services and public health, [and to the select committee of the  
42 General Assembly having cognizance of matters relating to aging,] in  
43 accordance with the provisions of section 11-4a.

44 (d) Not later than [January 1, 2010] October 1, 2013, and quarterly  
45 thereafter, the committee shall meet with the chairpersons and ranking  
46 members of the joint standing committees of the General Assembly  
47 having cognizance of matters relating to appropriations and the  
48 budgets of state agencies, human services and public health, and the  
49 Long-Term Care Ombudsman to discuss activities of the committee  
50 relating to the financial solvency of and quality of care provided by  
51 nursing homes. Said joint standing committee chairpersons and  
52 ranking members may request that the committee established  
53 pursuant to subsection (a) of this section study and make  
54 recommendations concerning any issue related to the financial

55 solvency of and quality of care provided by nursing homes.

56 Sec. 2. Subsection (b) of section 17b-352 of the general statutes is  
 57 repealed and the following is substituted in lieu thereof (*Effective from*  
 58 *passage*):

59 (b) Any facility which intends to (1) transfer all or part of its  
 60 ownership or control prior to being initially licensed; (2) introduce any  
 61 additional function or service into its program of care or expand an  
 62 existing function or service; or (3) terminate a service or decrease  
 63 substantially its total bed capacity, shall submit a complete request for  
 64 permission to implement such transfer, addition, expansion, increase,  
 65 termination or decrease with such information as the department  
 66 requires to the Department of Social Services, provided no permission  
 67 or request for permission to close a facility is required when a facility  
 68 in receivership is closed by order of the Superior Court pursuant to  
 69 section 19a-545. The Commissioner of Social Services and the Office of  
 70 the Long-Term Care Ombudsman [pursuant to section 17b-400] shall  
 71 be notified by the facility [of any proposed actions pursuant to this  
 72 subsection at the same time the request for permission is submitted to  
 73 the department and when a facility in receivership is closed by order of  
 74 the Superior Court pursuant to section 19a-545] in writing at least  
 75 thirty days prior to the facility submitting a letter of intent to the  
 76 department for a certificate of need application pursuant to subsection  
 77 (c) of this section. Upon such notice, any such facility shall allow the  
 78 Department of Social Services to evaluate each resident of the facility  
 79 to determine which residents may be eligible to transition to a  
 80 community-based setting pursuant to section 17b-369.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-339
Sec. 2	<i>from passage</i>	17b-352(b)

**Statement of Legislative Commissioners:**

In section 1(c), "January 1, 2010" was changed to "January 1, 2014" for consistency with other provisions of the section.

**HS**      *Joint Favorable Subst.*