



AN ACT CONCERNING CARE OF DISPLACED PERSONS AT SHELTERS AND NURSING HOMES DURING A WEATHER EMERGENCY.

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

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) (1) For purposes of
2 this section and section 2 of this act, "nursing home facility" has the
3 same meaning as provided in section 19a-521 of the general statutes,
4 (2) "state of emergency" means a declaration by the Governor pursuant
5 to section 28-9 of the general statutes, (3) "disabilities" has the same
6 meaning as provided in 42 USC 12102, and (4) "emergency shelter"
7 means a facility designated in a state, city, town or regional emergency
8 plan of operation to provide refuge to state residents.

9 (b) The Commissioner of Public Health shall establish a streamlined
10 waiver approval process for nursing home facilities to provide care
11 and shelter to state residents displaced during a state of emergency.
12 Such process shall include, but not be limited to: (1) A waiver
13 provision allowing nursing home facilities to immediately take in
14 displaced residents, regardless of the nursing home facility's approved
15 bed capacity; and (2) reimbursement, within available federal and state
16 emergency response funds, of reasonable costs at a rate to be
17 determined by the Commissioner of Emergency Services and Public
18 Protection, in consultation with the Commissioners of Social Services

19 and Public Health.

20 (c) The Commissioner of Public Health, in consultation with the
21 Commissioners of Social Services and Emergency Services and Public
22 Protection, may adopt or amend regulations, in accordance with
23 chapter 54 of the general statutes, to implement and administer the
24 provisions of this section. The Commissioner of Public Health may
25 implement policies and procedures necessary to administer the
26 provisions of this section while in the process of adopting such policies
27 and procedures as regulations, provided the Commissioner of Public
28 Health prints notice of intent to adopt regulations in the Connecticut
29 Law Journal not later than twenty days after the date of
30 implementation. Policies and procedures implemented pursuant to
31 this section shall be valid until the time final regulations are adopted.

32 Sec. 2. (NEW) (*Effective October 1, 2013*) (a) The Commissioner of
33 Emergency Services and Public Protection, acting in consultation with
34 the Commissioner of Public Health, shall ensure that city, town and
35 regional emergency plans of operation, established pursuant to section
36 28-7 of the general statutes, include: (1) A means to identify, to the
37 extent reasonably possible, elderly persons and persons with
38 disabilities who are receiving care in home and community-based
39 settings and the level of care and services such persons will require in
40 the event of an emergency; (2) the reasonably prompt provision of
41 shelter and services, pursuant to section 1 of this act, for persons
42 whose medical needs require care in a nursing home facility; (3) the
43 provision of shelter, in accordance with Title II of the Americans with
44 Disabilities Act of 1990, 42 USC 12131 to 12134, inclusive, as amended
45 from time to time, at municipal and state shelters for persons whose
46 needs do not require hospitalization or medical care in a nursing home
47 facility; (4) coordination with home care agencies and charitable
48 organizations for the provision of assistance with major life activities,
49 as defined in 42 USC 12102, to persons with disabilities at emergency
50 shelters, provided persons providing such assistance have been subject
51 to criminal background checks; and (5) the provision of shelter and

52 services in the most appropriate and integrated setting based upon the
53 needs of an elderly person or a person with disabilities. The
54 commissioner shall make information and resources available to chief
55 executive officers of cities and towns and local emergency
56 management directors concerning their responsibilities for the
57 provision of shelter and services under state law and the Americans
58 with Disabilities Act.

59 (b) Any employee, officer or agent of an emergency shelter, or any
60 volunteer assisting in the operation of such shelter, shall not be liable
61 for any civil damages related to any personal injuries resulting from
62 acts or omissions which may constitute ordinary negligence by such
63 employee, officer, agent or volunteer in rendering assistance to any
64 elderly person or person with disabilities with any major life activity,
65 as defined in 42 USC 12102, while such person has taken refuge at the
66 shelter during a state of emergency. The immunity provided in this
67 subsection does not apply to acts or omissions constituting gross,
68 wilful or wanton negligence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	New section

AGE *Joint Favorable Subst. C/R* PH