
OLR Bill Analysis

sSB 852

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

SUMMARY:

This bill requires certain facilities (i.e., nursing homes, rest homes, residential care homes, and intermediate care facilities for intellectually disabled people) to (1) notify the Department of Social Services (DSS) and the long-term care ombudsman (LTCO) in writing at least 30 days before submitting a letter of intent to DSS for a certificate of need (CON) application and (2) after providing such notice, allow DSS to evaluate each resident of the facility to determine which ones may be eligible to transition to a community-based setting through the Money Follows the Person program (see BACKGROUND).

The bill changes the Nursing Home Financial Advisory Committee membership and requires it to convene by August 1, 2013. It also requires the committee to:

1. recommend appropriate action to the DSS and Public Health (DPH) commissioners for improving the financial condition of any nursing home that may have insufficient resources to meet its operating costs;
2. by October 1, 2013, begin holding already required quarterly meetings with the Appropriations, Human Services, and Public Health committee chairpersons and ranking members; and
3. by January 1, 2014, begin submitting already required annual reports on its activities to the Aging, Appropriations, Human Services, and Public Health committees.

EFFECTIVE DATE: Upon passage

LETTER OF INTENT NOTIFICATION AND MONEY FOLLOWS THE PERSON EVALUATION

By law, a facility must submit a request for permission and required information to DSS when it intends to (1) transfer all or part ownership or control of the facility before it is initially licensed, (2) introduce a function or service into its program of care or expand an existing one, or (3) terminate a service or substantially decrease its total bed capacity. As part of this process, the facility must first request a CON application from DSS through a letter of intent.

The bill eliminates requirements that a facility (1) notify the LTCO when it requests such permission from DSS and (2) in receivership notify the LTCO when it is closed by Superior Court order. Instead, it requires facilities to notify the DSS commissioner and the LTCO in writing at least 30 days before submitting a letter of intent to DSS for a CON application. Once notified, the facility must allow DSS to evaluate each resident for Money Follows the Person program eligibility (see BACKGROUND). (The bill does not require DSS to perform such evaluations or state a timeframe for completing the evaluation.)

NURSING HOME ADVISORY COMMITTEE

The bill requires the Nursing Home Financial Advisory Committee to convene by August 1, 2013. It retains on the committee one representative each from the for-profit and nonprofit nursing home industry but removes the president of Leading Age Connecticut, Inc. and the executive director of Connecticut Association of Health Care Facilities or their designees. It also adds the LTCO to the committee and it allows the labor commissioner to appoint a non-voting member. The governor appoints the nursing home industry representatives.

By law, the committee, when it receives a report relating to nursing homes' financial solvency and quality of care, must recommend appropriate action to the DSS and DPH commissioners to improve the financial condition of certain nursing homes. Currently, the committee must make such recommendations for any nursing home in financial distress. The bill instead requires the committee to make such

recommendations for any nursing home that may have insufficient resources to meet its operating costs.

The bill allows the chairpersons and ranking members of the Appropriations, Human Services, and Public Health committees to ask the advisory committee to study and make recommendations on any issue related to nursing homes' financial solvency and quality of care.

BACKGROUND

Money Follows the Person (MFP)

MFP is a federal demonstration program that allows states to move people out of nursing homes or other institutional settings into less-restrictive, community-based settings. The recent federal health care reform law extends the demonstration period to 2016.

To qualify, an individual must have lived in a nursing home or other institution for at least 90 days and, if not for the community-based services provided under the demonstration, would have to remain in the institution. For the first 12 months the participant lives in the community, the federal government pays an enhanced federal Medicaid match. (In Connecticut, the normal Medicaid match is 50%, and the enhanced demonstration match is up to 75%).

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/21/2013)