



General Assembly

Amendment

February Session, 2014

LCO No. 5697

SB0010405697SD0

Offered by:

SEN. SLOSSBERG, 14th Dist.

REP. ABERCROMBIE, 83rd Dist.

To: Subst. Senate Bill No. 104

File No. 604

Cal. No. 395

**"AN ACT PROVIDING FINANCIAL RELIEF TO NURSING HOMES
FOR UNCOMPENSATED CARE."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 17b-320 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective April 1, 2015*):

5 (a) For purposes of this section and section 17b-321:

6 (1) "Commissioner" means the Commissioner of Revenue Services;

7 (2) "Department" means the Department of Revenue Services;

8 (3) "Nursing home" means any licensed chronic and convalescent
9 nursing home or a rest home with nursing supervision, but does not
10 include, upon approval of the waiver of federal requirements for
11 uniform and broad-based user fees in accordance with 42 CFR 433.68,
12 pursuant to section 17b-323, any nursing home that is owned and

13 operated as of May 1, 2005, by the legal entity that is registered as a
14 continuing care facility with the Department of Social Services in
15 accordance with section 17b-521, regardless of whether such nursing
16 home participates in the Medicaid program and any nursing home
17 licensed after May 1, 2005, that is owned and operated by the legal
18 entity that is registered as a continuing care facility with the
19 Department of Social Services in accordance with section 17b-521;

20 (4) "Medicare day" means a day of nursing home care service
21 provided to an individual who is eligible for payment, in full or with a
22 coinsurance requirement, under the federal Medicare program,
23 including fee for service and managed care coverage;

24 (5) "Medicaid pending day" means a day of nursing home care
25 service provided to a Medicaid applicant pending a decision on such
26 applicant's eligibility and Medicaid payment to the nursing home for
27 an eligible applicant's care;

28 [(5)] (6) "Resident day" means a day of nursing home care service
29 provided to an individual and includes the day a resident is admitted
30 and any day for which the nursing home is eligible for payment for
31 reserving a resident's bed due to hospitalization or temporary leave
32 and for the date of death. For purposes of this subdivision, a day of
33 nursing home care service shall be the period of time between the
34 census-taking hour in a nursing home on two successive calendar
35 days. "Resident day" does not include a Medicare day or the day a
36 resident is discharged or any Medicaid pending day provided that a
37 nursing home which receives retroactive Medicaid payment or other
38 retroactive payment covering such Medicaid pending day shall pay a
39 user fee pursuant to subsection (b) of this section for each such day;

40 [(6)] (7) "Nursing home net revenue" means amounts billed by a
41 nursing home for all room, board and ancillary services, minus (A)
42 contractual allowances, (B) payer discounts, (C) charity care, and (D)
43 bad debts; and

44 [(7)] (8) "Contractual allowances" means the amount of discounts
45 allowed by a nursing home to certain payers from amounts billed for
46 room, board and ancillary services.

47 (b) (1) (A) For each calendar quarter commencing on or after July 1,
48 2005, there is hereby imposed a resident day user fee on each nursing
49 home in this state, which fee shall be the product of the nursing home's
50 total resident days during the calendar quarter multiplied by the user
51 fee, as determined by the Commissioner of Social Services pursuant to
52 subsection (a) of section 17b-321.

53 (B) Commencing with the calendar quarter in which approval of the
54 waiver of federal requirements for uniform and broad-based user fees
55 in accordance with 42 CFR 433.68 pursuant to section 17b-323 is
56 granted, the resident day user fee shall be the product of the nursing
57 home's total resident days during the calendar quarter multiplied by
58 the user fee, as redetermined by the Commissioner of Social Services
59 pursuant to subsection (b) of section 17b-321.

60 (2) Each nursing home shall, on or before the last day of January,
61 April, July, and October of each year, render to the commissioner a
62 return, on forms prescribed or furnished by the commissioner, stating
63 the nursing home's total resident days during the calendar quarter
64 ending on the last day of the preceding month and stating such other
65 information as the commissioner deems necessary for the proper
66 administration of this section. The resident day user fee imposed
67 under this section shall be due and payable on the due date of such
68 return. Each nursing home shall be required to file such return
69 electronically with the department and to make such payment by
70 electronic funds transfer in the manner provided by chapter 228g,
71 irrespective of whether the nursing home would have otherwise been
72 required to file such return electronically or to make such payment by
73 electronic funds transfer under the provisions of said chapter 228g.

74 (c) Whenever such resident day user fee is not paid when due, a
75 penalty of ten per cent of the amount due or fifty dollars, whichever is

76 greater, shall be imposed, and interest at the rate of one per cent per
77 month or fraction thereof shall accrue on such user fee from the due
78 date of such user fee until the date of payment.

79 (d) The commissioner shall notify the Commissioner of Social
80 Services of any amount delinquent under [sections 17b-320 to 17b-323,
81 inclusive] this section and sections 17b-321 and 17b-323, and, upon
82 receipt of such notice, the Commissioner of Social Services shall deduct
83 and withhold such amount from amounts otherwise payable by the
84 Department of Social Services to the delinquent nursing home.

85 (e) The provisions of section 12-548, sections 12-550 to 12-554,
86 inclusive, and section 12-555a shall apply to the provisions of this
87 section in the same manner and with the same force and effect as if the
88 language of said sections had been incorporated in full into this section
89 and had expressly referred to the user fee imposed under this section,
90 except to the extent that any provision is inconsistent with a provision
91 in this section. For purposes of section 12-39g, the resident day user fee
92 shall be treated as a tax.

93 (f) The commissioner may enter into an agreement with the
94 Commissioner of Social Services delegating to the Commissioner of
95 Social Services the authority to examine the records and returns of any
96 nursing home subject to the resident day user fee imposed under this
97 section and to determine whether such user fee has been underpaid or
98 overpaid. If such authority is so delegated, examinations of such
99 records and returns by the Department of Social Services and
100 determinations by said department that such user fee has been
101 underpaid or overpaid, shall have the same effect as similar
102 examinations or determinations made by the Department of Revenue
103 Services.

104 (g) (1) The commissioner shall not collect the resident day user fee
105 pursuant to this section until the Commissioner of Social Services
106 informs the commissioner that all the necessary federal approvals are
107 in effect to secure federal financial participation matching funds

108 associated with the rate increases as described in subdivision (4) of
109 subsection (f) of section 17b-340.

110 (2) The commissioner shall cease to collect the resident day user fee
111 pursuant to this section if the Commissioner of Social Services informs
112 the commissioner that the federal approvals described in subdivision
113 (1) of this subsection are withheld or withdrawn.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>April 1, 2015</i>	17b-320