



General Assembly

Substitute Bill No. 6894

January Session, 2015



**AN ACT CONCERNING THE SAFEGUARDING OF FUNDS FOR
RESIDENTS OF CERTAIN LONG-TERM CARE FACILITIES.**

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

1 Section 1. Section 19a-551 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 Each nursing home facility and residential care home shall: (1) On
4 or before the admission of each [patient] resident provide such
5 [patient] resident or such [patient's] resident's legally liable relative,
6 guardian or conservator with a written statement explaining such
7 [patient's] resident's rights regarding the [patient's] resident's personal
8 funds and listing the charges that may be deducted from such funds.
9 Such statement shall explain that the nursing home facility or
10 residential care home shall on and after October 1, 1992, pay interest at
11 a rate not less than four per cent per annum and on and after October
12 1, 1994, pay interest at a rate not less than five and one-half per cent
13 per annum on any security deposit or other advance payment required
14 of such [patient] resident prior to admission to the nursing home
15 facility or residential care home. In the case of [patients] residents
16 receiving benefits under Title XVIII or XIX of the federal Social
17 Security Act the statement shall include a list of charges not covered by
18 said titles and not covered by the basic per diem rate provided by said
19 titles. Upon delivery of such statement the person in charge of the

20 nursing home facility or residential care home shall obtain a signed
21 receipt acknowledging such delivery; (2) upon written consent or
22 request of the [patient] resident or the [patient's] resident's legally
23 liable relative, guardian or conservator, manage such [patient's]
24 resident's personal funds, provided such consent by a [patient]
25 resident shall not be effective unless cosigned by the [patient's]
26 resident's legally liable relative or guardian if such [patient] resident
27 has been determined by a physician to be mentally incapable of
28 understanding and no conservator has been appointed. As manager of
29 such personal funds the nursing home facility or residential care home
30 shall: (A) Either maintain separate accounts for each [patient] resident
31 or maintain an aggregate trust account for [patients'] residents' funds
32 to prevent commingling the personal funds of [patients] residents with
33 the funds of such facility or residential care home. Such facility or
34 residential care home shall notify in writing each [patient] resident
35 receiving Medicaid assistance or such [patient's] resident's legally
36 liable relative, guardian or conservator when the amount in the
37 [patient's] resident's account reaches two hundred dollars less than the
38 dollar amount determined under the Medicaid program as the
39 maximum for eligibility under the program and advise the [patient]
40 resident or such [patient's] resident's legally liable relative, guardian or
41 conservator that if the amount in the account plus the value of the
42 [patient's] resident's other nonexempt resources reaches the maximum
43 the [patient] resident may lose his or her Medicaid eligibility; (B)
44 obtain signed receipts for each expenditure from each [patient's]
45 resident's personal funds; (C) maintain an individual itemized record
46 of income and expenditures for each [patient] resident, including
47 quarterly accountings; and (D) permit the [patient] resident or the
48 [patient's] resident's legally liable relative, guardian or conservator,
49 and the regional long-term care ombudsman, and representatives from
50 the Departments of Social Services and Public Health, access to such
51 record; and (3) (A) refund any overpayment or deposit from a former
52 [patient] resident or such [patient's] resident's legally liable relative,
53 guardian or conservator not later than thirty days after the [patient's]
54 resident's discharge and (B) refund any deposit from an individual

55 planning to be admitted to such facility or residential care home not
 56 later than thirty days after receipt of written notification that the
 57 individual is no longer planning to be admitted. A refund issued after
 58 thirty days shall include interest at a rate of ten per cent per annum.
 59 For the purposes of this section "deposit" shall include liquidated
 60 damages under any contract for pending admission.

61 Sec. 2. Section 19a-552 of the general statutes is repealed and the
 62 following is substituted in lieu thereof (*Effective July 1, 2015*):

63 (a) Any person who violates any provision of section 19a-551 shall
 64 be guilty of a class A misdemeanor.

65 (b) Any [patient] resident of a nursing home or residential care
 66 home or [his] such resident's legally liable relative, guardian or
 67 conservator may bring an action in the Superior Court for any
 68 violation of section 19a-551, as amended by this act. Any nursing home
 69 facility or residential care home determined by the court to be in
 70 violation of any provision of said section shall be liable to the injured
 71 party for treble damages.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	19a-551
Sec. 2	<i>July 1, 2015</i>	19a-552

AGE *Joint Favorable Subst.*