Bill No.: SB-1088
Title: AN ACT CONCERNING THE TRANSFER OF A NURSING HOME RESIDENT AS THE RESULT OF A RECEIVERSHIP PROCEEDING
Vote Date: 4/8/2019
Vote Action: Joint Favorable Substitute
PH Date: 3/29/2019

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SPONSORS OF BILL:
Judiciary Committee

REASONS FOR BILL:
This bill will ensure the health and well-being of a nursing home resident who is at risk of being involuntarily transferred from one facility to another as the result of a receivership proceeding. Senator Kissel brought this issue to the attention of the Judiciary Committee. A nursing home in his district closed abruptly, forcing the transfer of all patients and resulting in the subsequent deaths of the some of the more fragile residents.

SUBSTITUTE LANGUAGE:
The substitute language removes the original two sections in favor of a new, single section. The substitute language permits a resident of a nursing home facility or residential care home that is the subject of an application for receivership, or the resident’s legally liable relative, conservator or guardian, to be heard at the hearing on the application for receivership without having to file an appearance as a party.

RESPONSE FROM ADMINISTRATION/AGENCIES:

Connecticut Department of Social Services:
The department has issues with section 1, which is an unnecessary change because the current language already requires notice prior to any discharge or transfer. Section 2 is also problematic because it proposes to require the court to receive evidence and make a finding that the consultative process has occurred before granting a receivership. (The substitute language eliminates the original two sections in favor of one section that addresses the concerns of DSS).
State of Connecticut Department of Rehabilitation Services, Long-Term Care Ombudsman, Mairead Painter
Although well intended, the bill has challenges. In particular, Receivers are only appointed in cases where there is extreme risk. The current bill has requirements that would conflict with the realities of how receivership applications are processed. (The substitute language eliminates the problematic sections in favor of one section that addresses the concerns of the Long–Term Care Ombudsman.)

RESPONSE FROM PUBLIC (SUPPORT):

Carol Conlon (Wilbraham, Massachusetts):
Mother lived at nursing facility in Enfield, Connecticut, but died seventeen days after an involuntary transfer. The judge in the case did not allow the parties to submit evidence as per their rights under receivership law. This proposed bill would ensure families are part of the receivership process.

RESPONSE FROM PUBLIC (OPPOSED):

LeadingAge Connecticut, President, Mag Morelli:
Although the bill has the right intent, it is problematic. It should not amend the current transfer discharge statute. If the bill seeks to strengthen protections for residents being involuntarily transferred there are several possibilities. (The substitute language eliminates the problematic sections in favor of one section that addresses the concerns of Leading Age Connecticut.)

Reported by: Robert J. Anderson         April 12, 2019