
OLR Bill Analysis

sHB 6317

AN ACT PROHIBITING DISCHARGES FROM NURSING HOMES AND RESIDENTIAL CARE HOMES TO TEMPORARY OR UNSTABLE HOUSING.

SUMMARY

This bill prohibits nursing homes and residential care homes from involuntarily transferring or discharging a resident to a homeless shelter or to a temporary or unstable housing situation. Under the bill, a “temporary or unstable housing situation” includes:

1. a hotel, motel, or similar lodging for less than 30 days;
2. housing in which the resident does not have a legal right of occupancy; and
3. housing where the resident’s health needs cannot be met in accordance with his or her discharge plan (see BACKGROUND).

For nursing home discharges, temporary or unstable housing also includes housing where there is no available and willing designated caregiver in accordance with the resident’s discharge plan (see BACKGROUND).

EFFECTIVE DATE: Upon passage

BACKGROUND

Discharge Planning

Under existing law, nursing homes and residential care homes may transfer or discharge residents under various circumstances, including if the resident no longer needs the facility’s services or if the resident’s welfare cannot be met in the facility.

For nursing homes, except for emergencies or transfers to hospitals,

the law generally requires health care providers to develop a discharge plan that considers (1) the feasibility of placing a resident near his or her relatives; (2) whether the placement is acceptable to the resident and his or her conservator, guardian, or other responsible party; and (3) any other relevant factors that affect the resident's adjustment to the move.

By law, residential care homes are responsible for assisting the resident in finding appropriate placement. The law prohibits involuntary transfer or discharge if doing so presents imminent danger of death. The law requires the facility to prepare a discharge plan that will accompany the patient and indicate his or her individual needs.

Willing Designated Caregiver for Nursing Home Residents

When a discharge plan from a nursing home indicates that the resident will be discharged to his or her home, the law requires the nursing home to allow the resident to designate a caregiver. If the resident does so, the nursing home must record the designation and related information; make multiple reasonable attempts to contact the caregiver regarding the discharge as soon as practicable; and provide the caregiver with instructions in post-discharge assistance tasks.

By law, a caregiver is any individual who the resident designates to provide post-discharge assistance in the resident's home in the community. The term "caregiver" includes a relative, spouse, partner, friend, or neighbor who has a significant relationship with the resident and does not include anyone who receives compensation for providing this assistance.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 17 Nay 2 (03/18/2021)