
OLR Bill Analysis

SB 922

AN ACT CONCERNING REVISIONS TO THE STATUTES PERTAINING TO DISCHARGES IN A RESIDENTIAL CARE HOME.

SUMMARY

This bill modifies requirements for the involuntary discharge of residential care home (RCH) residents to allow RCHs to qualify as Medicaid home- and community-based settings. Principally, it:

1. requires the written discharge notice that RCHs provide to residents and their legally liable representatives to include contact information for the long-term care ombudsman, and for residents with mental illness or intellectual disability, also include the contact information for Disability Rights Connecticut;
2. requires RCHs to provide residents with a discharge plan for alternate residency within seven days after issuing the discharge notice and, in the case of an appeal, submit it to the Department of Public Health (DPH) on or before the required hearing date;
3. requires DPH to make a determination on an RCH's request for an immediate, emergency transfer within 20 days after the required hearing (current law does not specify a deadline);
4. requires DPH to send a copy of the emergency discharge determination to the resident, the resident's legally liable representative, and the long-term care ombudsman;
5. requires DPH, if it determines an emergency discharge is not warranted, to proceed with a hearing under the regular involuntary discharge process; and

6. allows an RCH or a resident aggrieved by a DPH decision to appeal to the Superior Court and requires the court to consider the appeal a privileged case.

The bill defines “emergency” as a situation in which a resident presents an imminent danger to the health and safety of him- or herself, another resident, or an owner or employee of the facility.

Lastly, the bill makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2021

WRITTEN DISCHARGE NOTICE

By law, RCHs must provide residents, and their legally liable representatives, a written discharge notice, at least 30 days prior to the date of an involuntary transfer, that includes the reason for the transfer and the resident’s right to appeal the discharge. The bill also requires the notice to:

1. include the resident’s right to represent him- or herself or be represented by legal counsel in an appeal;
2. include the contact information for the long-term care ombudsman, and for residents with mental illness or intellectual disability, also include the contact information for Disability Rights Connecticut;
3. be sent electronically or by fax to the ombudsman the same day it is given to the resident; and
4. be in a form and manner the DPH commissioner prescribes.

SUPERIOR COURT APPEALS

The bill allows an RCH or a resident who is aggrieved by the DPH commissioner’s final decision to appeal to the Superior Court in accordance with the Uniform Administrative Procedure Act. Under the bill, filing an appeal with the court does not in itself stay the DPH decision. The court must consider these appeals as privileged cases in order to dispose of them with the least possible delay.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 31 Nay 2 (03/12/2021)