

Human Services Committee JOINT FAVORABLE REPORT

Bill No.: HB-6317

AN ACT PROHIBITING DISCHARGES FROM NURSING HOMES AND

Title: RESIDENTIAL CARE HOMES TO TEMPORARY OR UNSTABLE HOUSING.

Vote Date: 3/18/2021

Vote Action: Joint Favorable Substitute

PH Date: 2/16/2021

File No.:

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SPONSORS OF BILL:

Human Services Committee

REASONS FOR BILL:

This bill proposes to add language to the state statutes that currently govern the transfer and discharge of nursing home and residential care home residents. It prohibits nursing homes and residential care homes from discharging residents to temporary or unstable housing situations. This bill aims to ensure that residents are discharged to housing where their health needs are met. Overall, it seeks to protect this vulnerable population by ensuring responsible and dignified discharges.

RESPONSE FROM ADMINISTRATION/AGENCY:

Deidre Gifford, Commissioner, Department of Social Services, appreciates and shares the concern that this bill is seeking to address. Commissioner Gifford notes that retaining individuals in nursing facilities is not the “highest and best way to meet their needs.” To address the issue raised through this proposal, DSS has partnered with a variety of state agencies and organizations to create The Connecticut Housing Engagement and Support Services (CHESS). This program will assist individuals served by Medicaid with “obtaining and maintaining stable housing...to help stabilize participants’ health and prevent avoidable health expenditures.” DSS believes that this new program is an appropriate route to help solve the housing crisis highlighted in this bill.

NATURE AND SOURCES OF SUPPORT:

Kevin Brophy, Managing Attorney, Elder Law Unit of CT Legal Services

Kathy Flaherty, Executive Direction, CT Legal Rights Project

Jean Mills Aranha, Managing Attorney, Stamford Office of CT Legal Services

They all support this bill with substitute language to include discharges to transient housing. They all believe that nursing homes and residential care facilities must ensure adequate health safeguards before discharging a resident. They comment that discharges to homeless shelters and other unstable housing happen far too often in Connecticut, citing examples in their testimony. Mr. Brophy and Ms. Aranha believe that discharging residents to homeless shelters or other temporary or unstable housing increases the likelihood of these residents becoming hospitalized, ending up back in a nursing home, or even worse, dying. They note that nursing homes and residential care facilities require increased staffing, specifically social workers, to ensure safe discharges.

Mairead Painter, State Long-Term Care Ombudsman, supports this bill because residents should only be discharged to places where they can receive the supports required to stabilize their overall wellbeing. Without this stability, individuals are put at increased risk and there is added demand on the system.

NATURE AND SOURCES OF OPPOSITION:

Matthew V. Barrett, President and CEO, Connecticut Association of Health Care Facilities/Connecticut Center For Assisted Living (CAHCF/CCAL) recommends addressing the underlying causes of housing instability as it relates to nursing home discharges through supportive housing initiatives like CHERS and “the enforcement of a significant body of state and federal rules.” Mr. Barrett notes the existence of state and federal laws that prohibit improper involuntary transfer and discharges of nursing home residents. He also comments that Section 47a-7 places an unreasonable burden on nursing homes to inspect each potential discharge location.

Rhonda Boisvert, President, Connecticut Association of Residential Care Homes, supports the intent of the bill but opposes some of the language. Ms. Boisvert requests amendments to Section 2 of the bill. She believes that the bill puts “the residential care home in a challenging and almost impossible position.” Ms. Boisvert’s major concern is the lack of appropriate settings to discharge residents to mainly when they are threatening and putting residents or staff in danger.

Mag Morelli, President, LeadingAge Connecticut, opposes this bill because current state and federal statutes already include provisions to ensure that any transfer or discharge is safe for the resident. She notes that transfer/discharge laws also afford appeal rights for the resident. For these reasons, Ms. Morelli believes this bill is unnecessary. She believes that the CHERS initiative will “address the housing needs for persons who fall within the service gap that this legislation is seeking to assist.”

Reported by: Gianna Vollano

Date: March 30, 2021

