



General Assembly

January Session, 2021

Raised Bill No. 6634

LCO No. 4955



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

AN ACT CONCERNING ESSENTIAL SUPPORT PERSONS AND A STATE-WIDE VISITATION POLICY FOR RESIDENTS OF LONG-TERM CARE FACILITIES.

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

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section,
2 section 2 of this act and subsection (b) of section 17a-408 of the general
3 statutes, as amended by this act, (1) "essential support person" means a
4 person designated by a long-term care facility resident, or a resident
5 representative, who may visit with the resident in accordance with rules
6 set by the Commissioner of Public Health to provide essential support
7 as reflected in the resident's person-centered plan of care; (2) "essential
8 support" means support that includes, but is not limited to, (A)
9 assistance with activities of daily living, and (B) physical, emotional,
10 psychological and socialization support for the resident; (3) "secondary
11 essential support person" means a person designated by the resident, or
12 resident representative, to serve as a backup to a primary essential
13 support person; (4) "person-centered plan of care" means a care plan for
14 a resident developed by a resident or resident representative in
15 consultation with health professionals that focuses on the resident's

16 physical, emotional, psychological and socialization needs and includes
17 any essential support person or secondary essential support person
18 designated by a resident; and (5) "long-term care facility" means a
19 nursing home facility, as defined in section 19a-490 of the general
20 statutes, or a managed residential community, as defined in section 19a-
21 693 of the general statutes that provides services offered by an assisted
22 living services agency, as defined in section 19a-490 of the general
23 statutes.

24 (b) A long-term care facility resident, or a resident representative,
25 may designate an essential support person and a secondary essential
26 support person who may visit the resident despite general visitation
27 restrictions imposed on other visitors, provided the essential support
28 person or secondary essential support person complies with any rules
29 promulgated by the Commissioner of Public Health pursuant to section
30 2 of this act to protect the health, safety and well-being of long-term care
31 facility residents.

32 Sec. 2. (NEW) (*Effective from passage*) (a) The Commissioner of Public
33 Health shall establish a state-wide policy for visitation with a long-term
34 care facility resident. The policy shall be applicable to all long-term care
35 facilities and shall incorporate a long-term care facility resident's need
36 for health, safety and well-being, including, but not limited to, the
37 essential support provided by an essential support person.

38 (b) In the event of a public health emergency declared by the
39 Governor in accordance with section 19a-131a of the general statutes,
40 the Commissioner of Public Health shall, in accordance with applicable
41 federal requirements and guidance, set forth requirements for visitation
42 with a long-term care facility resident, provided such requirements
43 incorporate a resident's need for essential support provided by an
44 essential support person and other visitors. Such requirements shall
45 include, but need not be limited to, the circumstances, if any, under
46 which a long-term care facility may restrict visitors, including, but not
47 limited to, essential support persons and secondary essential support
48 persons designated by a long-term care facility resident. The

49 requirements shall address, at a minimum:

50 (1) Arrangements for visitation with a long-term care facility resident
51 through various means, including, but not limited to, (A) outdoor
52 visitation, (B) the use of technologies to facilitate virtual visitation, and
53 (C) indoor visitation that is allowed whether or not the resident is
54 nearing the end of his or her life, as determined by the resident's
55 attending health care professionals;

56 (2) The needs of a long-term care facility resident for physical,
57 emotional, psychological and socialization support based on the
58 resident's person-centered plan of care;

59 (3) Safety protocols for all visitors to a long-term care facility,
60 including, but not limited to, essential support persons, in the event of
61 a communicable disease outbreak or public health emergency declared
62 by the Governor in accordance with section 19a-131a of the general
63 statutes;

64 (4) Permission for visitation with a long-term care facility resident by
65 an essential support person or secondary essential support person
66 despite general visitation restrictions, provided the essential support
67 person or secondary essential support person complies with safety
68 protocols established by the commissioner and the commissioner
69 determines that such visitation will benefit the health, safety and well-
70 being of the resident; and

71 (5) In the event a long-term care facility resident has not designated
72 an essential support person, a requirement that staff of a long-term care
73 facility work with the resident or a resident representative, a family
74 member of the resident or the State Ombudsman appointed pursuant to
75 section 17a-405 of the general statutes to identify an essential support
76 person and provide access by such person to the resident.

77 Sec. 3. Subsection (b) of section 17a-408 of the general statutes is
78 repealed and the following is substituted in lieu thereof (*Effective from*
79 *passage*):

80 (b) The State Ombudsman shall serve on a full-time basis, and shall
81 personally or through representatives of the office:

82 (1) Identify, investigate and resolve complaints that:

83 (A) Are made by, or on behalf of, residents or, as to complaints
84 involving the application for admission to a long-term care facility, by
85 or on behalf of applicants; and

86 (B) Relate to action, inaction or decisions that may adversely affect
87 the health, safety, welfare or rights of the residents, including the
88 welfare and rights of the residents with respect to the appointment and
89 activities of guardians and representative payees, of (i) providers or
90 representatives of providers of long-term care services, (ii) public
91 agencies, or (iii) health and social service agencies;

92 (2) Provide services to protect the health, safety, welfare and rights of
93 the residents, including, but not limited to, services designed to address
94 the impact of socialization, visitation and the role of essential support
95 persons on the health, safety and well-being of residents;

96 (3) Inform the residents about means of obtaining services provided
97 by providers or agencies described in subparagraph (B) of subdivision
98 (1) of this subsection or services described in subdivision (2) of this
99 subsection;

100 (4) Ensure that the residents and, as to issues involving applications
101 for admission to long-term care facilities, applicants have regular and
102 timely access to the services provided through the office and that the
103 residents and complainants receive timely responses from
104 representatives of the office to complaints;

105 (5) Represent the interests of the residents, and of applicants in
106 relation to issues concerning applications to long-term care facilities,
107 before governmental agencies and seek administrative, legal and other
108 remedies to protect the health, safety, welfare and rights of the residents;

109 (6) Provide administrative and technical assistance to representatives

110 of the office and training in areas including, but not limited to,
111 Alzheimer's disease and dementia symptoms and care;

112 (7) (A) Analyze, comment on and monitor the development and
113 implementation of federal, state and local laws, regulations, and other
114 governmental policies and actions that pertain to the health, safety,
115 welfare and rights of the residents with respect to the adequacy of long-
116 term care facilities and services in this state and to the rights of
117 applicants in relation to applications to long-term care facilities;

118 (B) Recommend any changes in such laws, regulations, policies and
119 actions as the office determines to be appropriate; and

120 (C) Facilitate public comment on such laws, regulations, policies and
121 actions;

122 (8) Advocate for:

123 (A) Any changes in federal, state and local laws, regulations and
124 other governmental policies and actions that pertain to the health,
125 safety, welfare and rights of residents with respect to the adequacy of
126 long-term care facilities and services in this state and to the health,
127 safety, welfare and rights of applicants which the State Ombudsman
128 determines to be appropriate;

129 (B) Appropriate action by groups or agencies with jurisdictional
130 authority to deal with problems affecting individual residents and the
131 general resident population and applicants in relation to issues
132 concerning applications to long-term care facilities; and

133 (C) The enactment of legislative recommendations by the General
134 Assembly and of regulatory recommendations by commissioners of
135 Connecticut state agencies;

136 (9) (A) Provide for training representatives of the office;

137 (B) Promote the development of citizen organizations to participate
138 in the program; and

139 (C) Provide technical support for the development of resident and
140 family councils to protect the well-being and rights of residents;

141 (10) Coordinate ombudsman services with the protection and
142 advocacy systems for individuals with developmental disabilities and
143 mental illnesses established under (A) Part A of the Development
144 Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and
145 (B) The Protection and Advocacy for Mentally Ill Individuals Act of 1986
146 (42 USC 10801 et seq.);

147 (11) Coordinate, to the greatest extent possible, ombudsman services
148 with legal assistance provided under Section 306(a)(2)(C) of the federal
149 Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from
150 time to time, through the adoption of memoranda of understanding and
151 other means;

152 (12) Create, and periodically update as needed, a training manual for
153 nursing home facilities identified in section 19a-522c that provides
154 guidance on structuring and implementing the training required by said
155 section;

156 (13) Develop policies and procedures regarding the communication
157 and documentation of informed consent in the case of resident
158 complaints, including, but not limited to, the use of auxiliary aids and
159 services or the use of a resident representative; and

160 (14) Carry out such other activities and duties as may be required
161 under federal law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	17a-408(b)

Statement of Purpose:

To allow long-term care facility residents to designate essential support persons who may visit and support their physical, emotional, psychological and socialization needs despite other visitation restrictions and to establish a state-wide visitation policy at long-term care facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]