



# House of Representatives

General Assembly

**File No. 101**

February Session, 2022

House Bill No. 5195

*House of Representatives, March 23, 2022*

The Committee on Aging reported through REP. GARIBAY of the 60th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT REQUIRING NURSING HOME FACILITIES TO ELECTRONICALLY REPORT INVOLUNTARY TRANSFERS OR DISCHARGES TO THE STATE OMBUDSMAN.***

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

1 Section 1. Section 19a-535 of the 2022 supplement to the general  
2 statutes is amended by adding subsection (k) as follows (*Effective July 1,*  
3 *2022*):

4 (NEW) (k) A facility shall electronically report each involuntary  
5 transfer or discharge to the State Ombudsman, appointed pursuant to  
6 section 17a-405, (1) in a manner prescribed by the State Ombudsman,  
7 and (2) on an Internet web site portal maintained by the State  
8 Ombudsman in accordance with patient privacy provisions of the  
9 Health Insurance Portability and Accountability Act of 1996, P.L. 104-  
10 191, as amended from time to time.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2022</i>	19a-535
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**AGE**      *Joint Favorable*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which requires nursing homes to electronically report each involuntary discharge or transfer to the Long-Term Care Ombudsman, is not expected to have any fiscal impact to the state or municipalities.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****HB 5195*****AN ACT REQUIRING NURSING HOME FACILITIES TO ELECTRONICALLY REPORT INVOLUNTARY TRANSFERS OR DISCHARGES TO THE STATE OMBUDSMAN.*****SUMMARY**

This bill requires nursing homes to electronically report each involuntary discharge or transfer (1) to the Long-Term Care Ombudsman, in a manner she prescribes, and (2) on a website the ombudsman maintains in accordance with federal HIPAA privacy protections. Facilities must begin reporting this information no later than six months after the bill's passage.

By law, a nursing home may involuntarily transfer or discharge a resident only if the (1) facility cannot provide the resident adequate care, (2) resident's health has improved to the point that he or she no longer needs the home's services, (3) health or safety of individuals in the facility are endangered, (4) resident failed to pay for care after reasonable notice, or (5) facility closes. Residents and their representatives must be notified in writing of the discharge at least 30 days in advance (CGS §19a-535). Federal law also requires the home to provide the Long-Term Care Ombudsman a copy of the notice (42 CFR §483.15 (c)(3)(i)).

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Related Bill***

HB 5196, favorably reported by the Aging Committee, requires residential care homes to report involuntary transfers and discharges to the Long-Term Care Ombudsman in the same manner.

**COMMITTEE ACTION**

Aging Committee

Joint Favorable

Yea 15 Nay 0 (03/10/2022)