



House of Representatives

General Assembly

File No. 102

February Session, 2022

House Bill No. 5196

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 CONCERNING ELECTRONIC REPORTING OF INVOLUNTARY TRANSFERS OR DISCHARGES BY RESIDENTIAL CARE HOMES.

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

1 Section 1. Section 19a-535a of the general statutes is amended by
2 adding subsection (e) as follows (*Effective from passage*):

3 (NEW) (e) Not later than six months after the effective date of this
4 section, a facility shall electronically report each involuntary transfer or
5 discharge (1) in a manner prescribed by the State Ombudsman,
6 appointed pursuant to section 17a-405, and (2) on an Internet web site
7 portal maintained by the State Ombudsman in accordance with patient
8 privacy provisions of the Health Insurance Portability and
9 Accountability Act of 1996, P.L. 104-191, as amended from time to time.

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

Section 1	<i>from passage</i>	19a-535a
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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.

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

The bill, which requires residential care 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 5196

AN ACT CONCERNING ELECTRONIC REPORTING OF INVOLUNTARY TRANSFERS OR DISCHARGES BY RESIDENTIAL CARE HOMES.

SUMMARY

This bill requires residential care homes (RCHs) 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, an RCH 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 is 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-535a).

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Bill

HB 5195, favorably reported by the Aging Committee, requires nursing 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)