

Aging Committee JOINT FAVORABLE REPORT

Bill No.: HB-5196

AN ACT CONCERNING ELECTRONIC REPORTING OF INVOLUNTARY

Title: TRANSFERS OR DISCHARGES BY RESIDENTIAL CARE HOMES.

Vote Date: 3/10/2022

Vote Action: Joint Favorable

PH Date: 3/3/2022

File No.:

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SPONSORS OF BILL:

Aging Committee

REASONS FOR BILL:

The reason behind this bill is to require residential care homes (RCH's) to report involuntary discharges and transfers to the office of the State Long-Term Care Ombudsman, which is currently required for nursing homes, but not RCH facilities. It would establish a portal for this reporting, to allow the Long-Term Care Ombudsman's office to assist residents facing involuntary transfer or discharge from such facilities.

RESPONSE FROM ADMINISTRATION/AGENCY:

Mairead Painter, State Long-Term Care Ombudsman, Department of Aging and Disability Services, expressed support for this bill, as it would decrease her office's response time to individuals facing discharge from RCH facilities. She stated that this would better allow the ombudsman's office to quantify and report the data on discharges they receive. Furthermore, it would allow the ombudsman's office to inform residents of their rights more rapidly, and that a portal based on the existing one for nursing homes could be created and maintained at no significant cost and would benefit all parties involved.

Amy Porter, Commissioner, Department of Aging and Disability Services, offered support of this bill, on the grounds that an electronic reporting requirement for RCH's would allow the ombudsman's office to fulfill the role of resident advocate more effectively.

Michael Werner, Aging Policy Analyst, Commission on Women, Children, Seniors, Equity & Opportunity, offered testimony in support of this bill, in order to assist the Long-Term Care Ombudsman's office in data collection, and informing residents of their rights. He

stated that it was important to ensure residents of RCH facilities are not wrongly placed in inappropriate settings against their will.

Manisha Juthani, MD., Commissioner, Department of Public Health, stated that her agency supports this bill, as it is important to ensure that RCH residents have the same level of advocacy from the Long-Term Care Ombudsman as residents of nursing homes. She further stated that notification by electronic means will promote quicker access by the Long-Term Care Ombudsman to these residents and make it easier for an RCH to comply with discharge timeframes.

NATURE AND SOURCES OF SUPPORT:

Jean Aranha, Managing Attorney, CT Legal Services, offered testimony in support of this bill, on the grounds that it would allow the Long-Term Care Ombudsman's office to put together accurate and complete data on discharges by RCH's. She recommended the following change, to ensure reporting of all notices of discharge or transfer, rather than just the reporting of completed discharges or transfers: "Not later than six months after the effective date of this section, a facility shall electronically report each involuntary transfer or discharge notice to the State Ombudsman, appointed pursuant to section 17a-405."

Kathleen Flaherty, Executive Director, CT Legal Rights Project, stated in her testimony in support of this bill that residents who receive notice that a residential care home intends to discharge them involuntarily may not understand their due process rights. She testified that requiring electronic notification to the Long-Term Care Ombudsman's office means that people will be connected more timely to the help they need.

Tina Yeitz, President, Connecticut Association of Residential Care Homes, offered testimony in support of this bill, but stated that she believes the bill currently lacks certain details, such as when the RCH would be expected to provide notice to the Ombudsman's office, and would support changes to clarify the bill to those ends.

Mag Morelli, President, LeadingAge Connecticut, testified in support of the establishment of an electronic portal for such reporting, but stated that these notices should be shared at the request of the resident, and recommended a change in the bill, to read "A facility shall electronically provide a copy of [report] each involuntary or discharge notice to the Office of the State Long-Term Care Ombudsman appointed pursuant to section 17a-405, [(1)] in a manner prescribed by the State Ombudsman, which shall include the ability to provide copies of involuntary transfer notices related to hospital transfers in monthly batches "

John Bodnar, Constituent, offered testimony in support of this bill, stating that the Long-Term Care Ombudsman's office had assisted him in dealing with difficulties at his nursing home, and that electronic notification of discharges would be helpful to residents throughout the state with disabilities.

NATURE AND SOURCES OF OPPOSITION:

David Godbout, Constituent, he expressed opposition to all bills put forward by the committee, under the claim of nullification.

Reported by:

Date: 3/16/2022

**Cameron Clarke, Committee Clerk
Richard Ferrari, Assistant Clerk**