



General Assembly

Substitute Bill No. 5227

February Session, 2022



AN ACT ESTABLISHING THE COMMUNITY OMBUDSMAN PROGRAM FOR HOME CARE.

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

1 Section 1. (NEW) (*Effective July 1, 2022*) (a) As used in this section, (1)
2 "authorized representative" means a person designated by a home care
3 client, in writing, to act on such client's behalf, including, but not limited
4 to, a health care representative appointed pursuant to section 19a-575a
5 or 19a-577 of the general statutes; (2) "home care" means long-term
6 services and supports provided to adults in a home or community-
7 based program administered by the Department of Social Services; (3)
8 "home care provider" means a person or organization, including, but not
9 limited to, (A) a home health agency or hospice agency, as defined in
10 section 19a-490 of the general statutes, or (B) a homemaker-companion
11 agency, as defined in section 20-670 of the general statutes; and (4) "long-
12 term services and supports" means (A) health, health-related, personal
13 care and social services provided to persons with physical, cognitive or
14 mental health conditions or disabilities to facilitate optimal functioning
15 and quality of life, or (B) hospice care provided to persons who may be
16 nearing the end of their lives.

17 (b) There is established a Community Ombudsman program within
18 the independent Office of the Long-Term Care Ombudsman,

19 established pursuant to section 17a-405 of the general statutes. Not later
20 than October 1, 2022, the State Ombudsman appointed pursuant to said
21 section shall (1) appoint a Community Ombudsman supervisor and not
22 more than twelve regional community ombudsmen; and (2) hire not
23 more than two administrative support staff members, all of whom shall
24 report to the State Ombudsman. The Community Ombudsman
25 supervisor and the regional community ombudsmen shall:

26 (A) Have access to data pertaining to long-term services and supports
27 provided by a home care provider to a client, provided (i) such client or
28 such client's authorized representative provides written consent to such
29 access, or (ii) if such client is incapable of providing such consent due to
30 a physical, cognitive or mental health condition or disability and has no
31 authorized representative, the Community Ombudsman supervisor
32 determines the data is necessary to investigate a complaint concerning
33 such client's care;

34 (B) Identify, investigate, refer and resolve complaints about home
35 care services;

36 (C) Raise public awareness about home care and the Community
37 Ombudsman program;

38 (D) Promote access to home care services;

39 (E) Advocate for long-term care options;

40 (F) Coach individuals in self advocacy; and

41 (G) Provide referrals to home care clients for legal, housing and social
42 services.

43 (c) The Office of the Long-Term Care Ombudsman shall oversee the
44 Community Ombudsman program and provide administrative and
45 organizational support by:

46 (1) Developing and implementing a public awareness strategy about

47 the Community Ombudsman program;

48 (2) Applying for, or working in collaboration with other state
49 agencies to apply for, available federal funding for Community
50 Ombudsman services;

51 (3) Collaborating with persons administering other state programs
52 and services to design and implement an agenda to promote the rights
53 of elderly persons and persons with disabilities;

54 (4) Providing information to public and private agencies, legislators,
55 the media and other persons regarding the problems and concerns of
56 older adults and people with disabilities receiving home care;

57 (5) Advocating for improvements in the home and community-based
58 long-term services and supports system; and

59 (6) Recommending changes in federal, state and local laws,
60 regulations, policies and actions pertaining to the health, safety, welfare
61 and rights of people receiving home care.

62 (d) Not later than December 1, 2023, and annually thereafter, the State
63 Ombudsman shall submit a report, in accordance with the provisions of
64 section 11-4a of the general statutes, to the joint standing committees of
65 the General Assembly having cognizance of matters relating to aging,
66 human services and public health on (1) implementation of the public
67 awareness strategy relating to the Community Ombudsman program,
68 (2) the number of persons served in the program, (3) the number of
69 complaints regarding home care filed with the program, (4) the
70 disposition of such complaints, and (5) any gaps in services and
71 resources needed to address such gaps.

72 (e) The State Ombudsman, the Community Ombudsman supervisor
73 and the regional community ombudsmen shall ensure that any health
74 data obtained pursuant to subsection (b) of this section relating to a
75 home care client is protected in accordance with the Health Insurance
76 Portability and Accountability Act of 1996, P.L. 104-191, as amended

77 from time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	New section

HS

Joint Favorable Subst. C/R

APP