



General Assembly

February Session, 2024

Raised Bill No. 5457

LCO No. 2644



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

***AN ACT CONCERNING NURSING HOMES AND IMPLEMENTING
NURSING HOME WAITING LIST RECOMMENDATIONS.***

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

1 Section 1. Section 19a-533 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section, (1) "nursing home" means any chronic and
4 convalescent facility or any rest home with nursing supervision, as
5 defined in section 19a-521, which has a provider agreement with the
6 state to provide services to recipients of funds obtained through Title
7 XIX of the Social Security Amendments of 1965; and (2) "indigent
8 person" means any person who is eligible for or who is receiving
9 medical assistance benefits from the state.

10 (b) A nursing home which receives payment from the state for
11 rendering care to indigent persons shall:

12 (1) Be prohibited from discriminating against indigent persons who
13 apply for admission to such facility on the basis of source of payment.
14 Except as otherwise provided by law, all applicants for admission to

15 such facility shall be admitted in the order in which such applicants
16 apply for admission as evidenced by the nursing home's acceptance of
17 a substantially completed application for admission. Each nursing home
18 shall (A) provide a receipt to each applicant who substantially
19 completes an application for admission to its facility who requests
20 placement on a waiting list stating the date and time of such [request]
21 substantial completion and acceptance by the nursing home, and (B)
22 maintain a dated list of such applications which shall be available at all
23 times to any applicant, his bona fide representative, authorized
24 personnel from the Departments of Public Health and Social Services
25 and such other state agencies or other bodies established by state statute
26 whose statutory duties necessitate access to such lists. A nursing home
27 may maintain such waiting list in electronic form. On and after July 1,
28 2025, a nursing home shall maintain such waiting list in electronic form.

29 (2) Provide applications for admission to prospective residents by
30 mail, electronic transmission or Internet web site posting.

31 (3) Develop and implement policies and procedures related to the
32 waiting list that address (A) what information is required for such
33 application to be considered substantially complete and accepted by the
34 nursing home, (B) what steps the nursing home will take to protect the
35 privacy of information submitted by a prospective resident, and (C) a
36 description of how the integrity of information in the electronic waiting
37 list will be maintained, including steps taken to ensure accuracy in
38 recording of the (i) date and time a prospective resident is placed on the
39 waiting list, and (ii) any dated notification made pursuant to subsection
40 (c) of this section. A nursing home shall not be required to maintain a
41 list of inquiries from prospective residents who have not yet submitted
42 a substantially completed application for admission accepted by the
43 nursing home, nor to provide any such person with a receipt of their
44 inquiry.

45 [If a nursing home desires to remove the name of an applicant who is
46 unresponsive to facility telephone calls and letters from its waiting list,
47 the nursing home may] (4) May, no sooner than ninety days after initial

48 placement of the person's name on the waiting list, inquire by letter [to]
49 or electronic mail of such applicant and any one person if designated by
50 such applicant whether the applicant desires continuation of his name
51 on the waiting list. If the applicant does not respond and an additional
52 thirty days pass, the [facility] nursing home may remove such
53 applicant's name from its waiting list. A nursing home may annually
54 send a waiting list placement continuation [letter] communication by
55 letter or electronic mail to all persons on the waiting list for at least
56 ninety days to inquire as to whether such person desires continuation of
57 his name on the waiting list, provided such [letter] communication shall
58 also be sent to any one person if designated by such applicant. If such
59 person does not respond and at least thirty days pass, the facility may
60 remove the person's name from its waiting list. Indigent persons shall
61 be placed on any waiting list for admission to a facility and shall be
62 admitted to the facility as vacancies become available, in the same
63 manner as self-pay applicants, except as provided in subsections (f) and
64 (g) of this section;

65 [(2)] (5) Post in a conspicuous place a notice informing applicants for
66 admission that the facility is prohibited by statute from discriminating
67 against indigent applicants for admission on the basis of source of
68 payment. Such notice shall advise applicants for admission of the
69 remedies available under this section and shall list the name, address
70 and telephone number of the ombudsman who serves the region in
71 which the facility is located;

72 [(3)] (6) Be prohibited from requiring that an indigent person pay any
73 sum of money or furnish any other consideration, including but not
74 limited to the furnishing of an agreement by the relative, conservator or
75 other responsible party of an indigent person which obligates such party
76 to pay for care rendered to an indigent person as a condition for
77 admission of such indigent person; and

78 [(4) Record in the patient roster, maintained pursuant to the Public
79 Health Code, or in a separate roster maintained for this purpose,] (7)
80 Maintain an electronic record of the number of patients who are

81 Medicare, Medicaid and private pay patients [on each day. Such
82 numbers shall be recorded daily and made] and make such information
83 available, upon request, to the state or regional ombudsman.

84 (c) Whenever a nursing home passes over the name of an applicant
85 on its waiting list and admits another applicant, the nursing home shall
86 make a dated notation on the electronic waiting list indicating why such
87 applicant was not admitted. Upon the receipt of a complaint concerning
88 a violation of this section, the Department of Social Services shall
89 conduct an investigation into such complaint. A nursing home shall
90 provide access to the department and the State Ombudsman to all
91 records requested by the department or State Ombudsman for the
92 purpose of investigating a complaint by or on behalf of an applicant
93 related to the denial of an admission.

94 (d) The Department of Social Services is authorized to decrease the
95 daily reimbursement rate to a nursing home for one year for a violation
96 of this section which occurred during the twelve-month period covered
97 by the cost report upon which the per diem rate is calculated. The per
98 diem rate shall be reduced by one-quarter of one per cent for an initial
99 violation of this section and one per cent for each additional violation.

100 (e) Prior to imposing any sanction, the Department of Social Services
101 shall notify the nursing home of the alleged violation and the
102 accompanying sanction, and shall permit such facility to request an
103 administrative hearing, in accordance with sections 4-176e to 4-181a,
104 inclusive. A facility shall request such hearing within fifteen days of
105 receipt of the notice of violation from the Department of Social Services.
106 The department shall stay the imposition of any sanction pending the
107 outcome of the administrative hearing.

108 (f) A nursing home with a number of self-pay residents equal to or
109 less than thirty per cent of its total number of residents shall not be
110 required to admit an indigent person on a waiting list for admission
111 when a vacancy becomes available during the subsequent six months,
112 provided no bed may be held open for more than thirty days. Each such

113 nursing home meeting the conditions for such waiver shall on a
114 quarterly basis notify the Commissioner of Social Services and the
115 regional nursing home ombudsman office of the date on which such six-
116 month period of waiver began.

117 (g) A nursing home shall not be required to admit an indigent person
118 on a waiting list for admission when a vacancy becomes available if the
119 vacancy is in a private room.

120 (h) Notwithstanding the provisions of this section, a nursing home
121 may, without regard to the order of its waiting list, admit an applicant
122 who (1) seeks to transfer from a nursing home that is closing, or (2) seeks
123 to transfer from a nursing home in which the applicant was placed
124 following the closure of the nursing home where such applicant
125 previously resided or, in the case of a nursing home placed in
126 receivership, the anticipated closure of the nursing home where such
127 applicant previously resided, provided (A) the transfer occurs not later
128 than sixty days following the date that such applicant was transferred
129 from the nursing home where he or she previously resided, and (B) the
130 applicant submitted an application to the nursing home to which he or
131 she seeks admission at the time of the applicant's transfer from the
132 nursing home where he or she previously resided.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-533

Statement of Purpose:

To implement working group recommendations regarding waiting list requirements for nursing homes.

[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.]