



Substitute House Bill No. 5457

Public Act No. 24-17

AN ACT CONCERNING NURSING HOME WAITING LISTS.

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

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 Section 19a-533 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

(1) [Be] Shall be prohibited from discriminating against indigent persons who apply for admission to such facility on the basis of source of payment. Except as otherwise provided by law, all applicants for admission to such facility shall be admitted in the order in which such applicants apply for admission as evidenced by the nursing home's acceptance of a substantially completed application for admission. Each

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nursing home shall (A) provide a receipt to each applicant who substantially completes an application for admission to its facility who requests placement on a waiting list stating the date and time of such [request] substantial completion and acceptance of the application by the nursing home, and (B) maintain a dated list of such applications which shall be available at all times to any applicant, [his] the applicant's bona fide representative, authorized personnel from the Departments of Public Health and Social Services and such other state agencies or other bodies established by state statute whose statutory duties necessitate access to such lists. [If a nursing home desires to remove the name of an applicant who is unresponsive to facility telephone calls and letters from its waiting list, the nursing home may] A nursing home may maintain such waiting list in electronic form. On and after July 1, 2025, a nursing home shall maintain such waiting list in electronic form;

(2) Shall provide applications for admission to prospective residents by mail, electronic transmission or Internet web site posting;

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

(4) May, no sooner than ninety days after initial placement of the

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

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

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

[(4)] (7) [Record in the patient roster, maintained pursuant to the

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Public Health Code, or in a separate roster maintained for this purpose,] Shall maintain an electronic record of the number of patients who are Medicare, Medicaid and private pay patients [on each day. Such numbers shall be recorded daily and made] and make such information available, upon request, to the state or regional ombudsman.

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

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

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

(f) A nursing home with a number of self-pay residents equal to or

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less than thirty per cent of its total number of residents shall not be required to admit an indigent person on a waiting list for admission when a vacancy becomes available during the subsequent six months, provided no bed may be held open for more than thirty days. Each such nursing home meeting the conditions for such waiver shall on a quarterly basis notify the Commissioner of Social Services and the regional nursing home ombudsman office of the date on which such six-month period of waiver began.

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

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

Approved May 14, 2024