



Acts Affecting Seniors

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Notice to Readers

This report provides summaries of new laws (public acts and special acts) significantly affecting older adults enacted during the 2021 regular session and June 2021 special session (JSS). OLR's other Acts Affecting reports are, or will soon be, available on OLR's website:

<https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the public act (PA) or special act (SA) number. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden.

Complete summaries of public acts are, or will soon be, available on OLR's website:

<https://www.cga.ct.gov/olr/olrsums.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov>.

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Court Services and Related Procedures

Depositions for Infirm Older Adults

A new law allows the state to ask the Superior Court or judge to depose witnesses who are infirm and age 75 and older in any case involving an offense where the punishment may be imprisonment of more than one year. Existing law allows these witness depositions to be taken before a commissioner or magistrate that the court or judge designates. The new law also allows these depositions to be before a judge ([PA 21-102](#), § 1, effective October 1, 2021).

Minimum Age for Jury Exemption Increased

A new law increases the minimum age, from 70 to 75, for which someone may claim an exemption from being summoned for jury service ([PA 21-170](#), § 1, effective October 1, 2021).

Small Estate Administration

A new law adds a notification requirement and filing deadline to the process of administering certain small estates to recover state claims when a person supported or cared for by the state dies.

Under the act, when such a person dies and leaves an estate worth up to \$40,000, the Department of Administrative Services (DAS) must (1) complete a financial accounting of the estate and (2) make a reasonable effort to notify the next of kin in writing that DAS intends to become the estate's legal representative in order to recover the state's claim for care or assistance provided to the decedent. DAS must file with the probate court no later than 30 days after making the notification attempt ([PA 21-65](#), § 1, effective July 1, 2021).

Elder Abuse and Neglect

Behavior Analysts and Paratransit Drivers as Mandated Reporters

Two new laws add licensed behavior analysts and paratransit drivers to the list of professionals who must report to the Department of Social Services (DSS) when they reasonably suspect an elderly person needs protective services or has been abused, neglected, exploited, or abandoned. For behavior analysts, the reporting requirement also applies to long-term care facility residents. By law, mandated reporters must report to DSS within 72 hours ([PA 21-121](#), §§ 30-32, effective October 1, 2021, and [PA 21-122](#), effective July 1, 2021).

Community Response Education Program

A new law expands the scope of the state's Community Response Education Program to include resources for: (1) police departments and municipal officials to provide programs on senior citizen sexual assault and abuse safety, prevention, and risk reduction and (2) educating seniors, in addition to families and children, on preventing and avoiding sexual abuse and assault.

This program, within available appropriations, offers certain resources to neighborhoods and municipalities that are notified that a registered sex offender is living there or plans to do so ([PA 21-7](#), § 5, effective July 1, 2021).

Employment

Age Discrimination in the Workforce

A new law prohibits age discrimination during the employment application process. Specifically, the act generally makes it a discriminatory employment practice for employers to request or require a prospective employee's age, birth date, or graduation date on an initial employment application ([PA 21-69](#), effective October 1, 2021).

Insurance

Long-Term Care Insurance

By law, long-term care insurers filing for a rate increase of at least 20% must spread the premium increase over at least three years. A new law imposes consumer protections by (1) prohibiting insurers from filing a new rate increase during this three-year period and (2) requiring the insurance commissioner to develop a minimum set of affordable benefit options that insurers must offer to policyholders if they file a premium rate increase of 20% or more ([PA 21-150](#), effective January 1, 2022).

Medicare Supplement Plans

A new law allows insurers to issue Medicare Supplement (i.e., Medigap) policies and certificates for plan D, in addition to plans A, B, and C. (These are standardized plans for which the federal government sets the benefits. Medigap plans generally cover certain expenses that Medicare does not cover.) The new law also exempts insurers from offering plan C to any person newly eligible for Medicare ([PA 21-2, June Special Session \(JSS\)](#), § 310, effective July 1, 2021).

Long-Term Care

Assisted Living Services Agencies Licensure

Under existing law, the state does not license assisted living facilities. Instead, it licenses and regulates assisted living service agencies (ALSAs) that provide assisted living services. ALSAs can only provide these services at a managed residential community (MRC).

A new law requires an MRC that wishes to provide assisted living services to obtain a Department of Public Health (DPH) license as an ALSA or arrange for the services with a licensed ALSA. For the latter, the MRC must apply to DPH to arrange for these services in a manner the commissioner prescribes, as under existing regulation.

The act also requires an ALSA to ensure all services provided individually to clients are fully understood by the client or the client's representative, and that the client or representative is made aware of the cost of these services ([PA 21-121](#), §§ 45, 56, 91 & 92, most provisions take effect July 1, 2021).

Assisted Living Services Agencies Operating as Dementia Special Care Units

A new law prohibits an ALSA from providing services as a dementia special care unit or program unless they obtain DPH approval. To obtain approval, an ALSA must (1) ensure they have adequate staff to meet residents' needs and (2) submit to DPH a list of dementia special care units or locations and their staffing plans when applying for an initial or renewal license or upon DPH request. By law, a dementia special care unit or program is one that locks, secures, or segregates residents with a diagnosis of probable Alzheimer's disease, dementia, or other similar disorder ([PA 21-121](#), § 56, effective July 1, 2021).

Bed Positions in Long-Term Care Facilities

A new law requires nursing homes, residential care homes, and chronic disease hospitals associated with nursing homes to position beds in a manner that promotes resident care. Specifically, the bed position (1) cannot act as a restraint to the resident or create a hazardous situation (e.g., the possibility of entrapment or creating an obstacle to evacuation); (2) must allow for infection control; and (3) as under prior law, must provide at least a three-foot clearance at the sides and foot of each bed ([PA 21-121](#), § 57, effective July 1, 2021).

CHCPE Cost Sharing and Provider Reimbursement Rates

A new law modifies the state-funded portion of the Connecticut Home Care Program for Elders (CHCPE) by (1) reducing, from 9% to 4.5%, the amount participants must pay toward their service costs and (2) allocating \$375,000 appropriated to DSS from the General Fund from FYs 22 and 23 to increase the program's provider reimbursement rate ([PA 21-2](#), JSS, §§ 326 & 338, effective July 1, 2021).

Home Health Orders

A new law allows physician assistants (PAs) and advanced practice registered nurses (APRNs) licensed in Connecticut to issue orders for home health care agency services, hospice agency services, and home health aide agency services. It also allows PAs and APRNs licensed in bordering states to order home health care agency services. Under prior law, only a physician could issue these orders ([PA 21-121](#), § 52, effective July 1, 2021).

Homemaker-Companion Agency Hiring

Instead of having to review only public Connecticut criminal records, a new law requires homemaker-companion agencies to conduct a national check of prospective employees. The new law also prohibits agencies from hiring individuals with certain recent criminal histories, including convictions related to fraud or theft, controlled substances, and patient neglect or abuse ([PA 21-37](#), §§ 19 & 21, effective January 1, 2022).

Medicaid Personal Needs Allowance

A new law requires the DSS commissioner to increase, from \$60 to \$75, the monthly personal needs allowance provided to long-term care facility residents who receive Medicaid or certain other federal or state assistance. Covered facilities include nursing homes, chronic disease hospitals, and state humane institutions ([PA 21-2](#), JSS, §§ 317 & 318, effective July 1, 2021).

Resident and Family Councils

A new law requires each nursing home's and dementia special care unit's administrative head, by January 1, 2022, to encourage and assist in the establishment of a family council to encourage and support open communication between the facility and residents' families and friends ([PA 21-185](#), § 7, effective October 1, 2021).

Another new law requires state agencies to inform the state long-term care ombudsman and Commission on Women, Children, Seniors, Equity and Opportunity executive director about legislative proposals or new or revised regulations on long-term care facility living and care

conditions. For certain proposed regulations, the act requires the ombudsman and executive director to immediately inform the Statewide Coalition of Presidents of Residents Councils and family councils that the agency must hold a public hearing if at least 15 people request it within a specified timeframe.

The act also requires any state task force on long-term care facility care or living conditions that is appointed by the legislature or a state agency to include as members (1) representatives of resident councils and family councils and (2) the chairpersons and ranking members of the Aging Committee or their designees ([PA 21-194](#), effective upon passage).

Temporary Suspension of Long-Term Care Facility Background Checks

By law, long-term care facilities generally must require background checks for prospective employees or volunteers who will have direct access to patients or residents. A new law suspends this requirement if the DPH commissioner determines it is necessary to do so because of an emergency or significant disruption. In that case, the commissioner must inform the facility when (1) suspending the requirement and (2) lifting the suspension.

Under DPH's current policies and procedures, the department may suspend the background search requirement for a facility for up to 60 days in specified circumstances ([PA 21-121](#), § 9, effective July 1, 2021).

Visitation Restrictions in Long-Term Care Facilities

Under a new law, residents of certain long-term care facilities can designate an essential support person to visit even when there are visitation restrictions imposed on other visitors. The act requires the DPH commissioner to establish a statewide policy for visitation with long-term care residents, including during public health emergencies. The policy must include requirements that incorporate a resident's need for essential support.

The act also expands the state long-term care ombudsman's duties to include providing services designed to address the impact of socialization, visitation, and the role of essential support persons on residents' health, safety, and well-being ([PA 21-71](#), effective upon passage).

Nursing Homes

Expanded Bed Capacity During Emergencies

A new law allows the DPH commissioner to suspend licensure requirements for chronic and convalescent nursing homes to allow them to temporarily provide services to patients with a reportable disease or emergency illness or health condition during a declared public health emergency.

Under the act, nursing homes may provide these services under their existing license after obtaining DPH approval if they (1) provide services to patients in a building that is not physically connected to its licensed facility or (2) expand their bed capacity in a part of a facility that is separate from the licensed facility ([PA 21-121](#), § 54, effective July 1, 2021).

Funding for Nursing Home Infrastructure Improvements

A new law requires DPH to seek available federal or state funds for infrastructure improvements to the state's nursing homes. It requires the commissioner, by January 1, 2022, to report to the Public Health Committee on her success in accessing the funding ([PA 21-185](#), § 11, effective upon passage).

IV Care

A new law allows registered nurses employed by nursing homes to administer medications intravenously or draw blood from a central line for laboratory purposes if they have been properly trained to do so by the home's nursing director or an intravenous infusion company ([PA 21-121](#), § 55, effective July 1, 2021).

Another act requires each nursing home's administrative head to ensure that there is at least one staff member or contracted professional available on-call during each shift who is licensed or certified to start an intravenous line ([PA 21-185](#), § 4, effective October 1, 2021).

Minimum Staffing Levels

A new law requires DPH, by January 1, 2022, to modify minimum staffing levels in nursing homes to establish at least three hours of direct care per resident per day, instead of 1.9 hours as under prior law. The act also requires the department to modify staffing level requirements for social workers and recreational staff to require (1) one full-time social worker per 60 residents and (2) recreational staffing levels lower than prior requirements, as the DPH commissioner deems appropriate ([PA 21-185](#), § 10, effective October 1, 2021).

Nursing Home and Residential Care Home Citations

A new law allows DPH to electronically notify nursing homes or residential care homes about citations for noncompliance with specified laws and regulations. Prior law required DPH to send these notices by certified mail ([PA 21-121](#), § 8, effective October 1, 2021).

Patients' Bill of Rights

A new law expands the nursing home patients' bill of rights, which applies to patients in nursing homes, residential care homes, and chronic disease hospitals. For these patients, the act adds the right to treat their living quarters as their own home, which includes (1) associating and communicating privately with people they choose and (2) purchasing and using virtual visitation and virtual monitoring technology. It also extends these rights to residents of managed residential communities (e.g., assisted living facilities) under their bill of rights, which is generally similar to the nursing home patients' bill of rights ([PA 21-55](#), §§ 1 & 2, effective July 1, 2021).

Prescription Dispensing Machines

A new law allows licensed long-term care pharmacies to use automated prescription dispensing machines in nursing homes. These are machines and associated software operated by a licensed state pharmacy or registered nonresident pharmacy through which the operators, based on a verified prescription, package and label patient-specific medications that are dispensed by the machine. A registered nurse or a licensed practical nurse must administer the dispensed medication packets ([PA 21-192](#), §§ 1 & 2, effective upon passage).

Residents and Social Connection

A new law requires nursing homes, by January 1, 2022, to ensure that each resident's care plan includes, among other things, measures to address the resident's social, emotional, and mental health needs, including opportunities for social connection and strategies to minimize social isolation.

The act also requires each administrative head, by this date, to ensure that the home's staff is educated on best practices for addressing residents' social, emotional, and mental health needs and all components of person-centered care ([PA 21-185](#), § 8, effective October 1, 2021).

Virtual Monitoring and Virtual Visitation

A new law (1) allows nursing home residents to use technology of their choosing to facilitate virtual monitoring or virtual visitation and (2) establishes related notification, use, and consent requirements (e.g., obtaining a roommate's consent and paying associated costs). It also requires

nursing homes to provide residents with free internet access, electricity, and a power source for this technology, under certain conditions ([PA 21-55](#), § 3, effective October 1, 2021).

Another act requires nursing homes to give their employee, or the employee of their contractor, access to a resident's virtual monitoring or virtual visitation technology if the (1) employee is the subject of a proposed disciplinary action by the nursing home based on evidence obtained from the technology and (2) access is granted for the employee to defend him- or herself against the disciplinary action ([PA 21-160](#), effective October 1, 2021).

Public Health and Civil Preparedness Emergencies

Infectious Disease Control and Prevention

A new law establishes various requirements related to infectious disease control and prevention, including (1) requiring nursing homes and dementia special care units to employ a full-time infection prevention and control specialist; (2) requiring nursing homes to maintain at least a two-month supply of personal protective equipment for their staff; (3) generally requiring a nursing home's infection prevention and control committee to meet at least monthly, and, during an infectious disease outbreak, daily; and (4) requiring nursing homes to test staff and residents for an infectious disease during an outbreak at an appropriate frequency determined by DPH ([PA 21-185](#), §§ 1, 3, 5 & 6, effective October 1, 2021).

Local Emergency Operations Plans

A new law requires a nursing home's and dementia special care unit's administrative head to provide its emergency operations plan to the municipality where it is located. They must do this by January 1, 2022, to assist the municipality in developing its emergency operations plan required under the Interstate Mutual Aid Compact. This compact, by law, provides a legal framework for municipalities to request and provide mutual aid when a member municipality declares a local civil preparedness emergency ([PA 21-185](#), § 2, effective October 1, 2021).

Public Health Preparedness Advisory Committee

A new law requires the Public Health Preparedness Advisory Committee, by October 1, 2021, to amend the plan for emergency responses to public health emergencies to include responses related to nursing homes and dementia special care units and providers of community-based services to their residents ([PA 21-185](#), § 9, effective upon passage).

Senior Centers

Assistance to Senior Centers

A new law requires the Commission on Women, Children, Seniors, Equity and Opportunity, within available appropriations, to assist senior centers and assign or appoint necessary personnel to do so. Under the act, the assistance may include, among other things, (1) establishing and maintaining a list of senior centers and municipal services for older adults, as well as a list of resources for their staff, and (2) developing technical assistance for the staff, directly or by referral to experts ([PA 21-7](#), § 3, effective October 1, 2021).

Multipurpose Senior Centers

A new law authorizes any one or more municipalities, or private organizations that serve older adults and are designated to act as agents of one or more municipalities, to establish a “multipurpose senior center,” which is a community facility that organizes and provides a broad spectrum of senior services, including recreational activities and health (including mental and behavioral health), social, nutritional, and educational services ([PA 21-7](#), § 2, effective October 1, 2021).

Municipal Agents for the Elderly

By law, municipalities must appoint a municipal agent for the elderly to help seniors learn about community resources and file for benefits. A new law expands the list of potential appointees to include senior center staff members. Prior law limited potential appointees to (1) members of a municipal agency that serves the elderly or (2) municipal residents with a demonstrated interest in the elderly or who have been involved in aging programs ([PA 21-7](#), § 1, effective October 1, 2021).

Task Forces and Working Groups

Senior Fraud Prevention Task Force

A new law establishes a 10-member task force to study ways to protect seniors from fraud. It requires the study to include available planning services for Medicaid applicants. The task force must report its findings and recommendations to the Aging and Human Services committees by January 1, 2022 ([PA 21-84](#), § 2, effective upon passage).

Statewide Senior Center Working Group

A new law establishes a 14-member statewide senior center working group to develop a coordinated plan for senior centers and municipal services for seniors. The working group must report its findings and recommendations by January 1, 2023, to the Aging, Housing, Human

Services, Planning and Development, Public Health, and Transportation committees ([PA 21-7](#), § 4, effective October 1, 2021).

Taxes

Property Tax Relief

A new law expands eligibility for the local option Elderly Tax Freeze Program by generally decreasing the program's minimum age requirement from 70 to 65 years. But the act allows a municipality, by vote of its legislative body, to set the program's minimum age requirement at older than 65 years. A municipality that voted to limit program eligibility to individuals ages 70 and older prior to the act's effective date is not required to take another vote unless it seeks to lower the program's minimum age requirement ([PA 21-84](#), § 1, effective October 1, 2021, and applicable to assessment years beginning on and after that date).

Transportation

One-Year Combination Motor Vehicle Registrations for Seniors

Existing law allows registrants age 65 or older to opt to renew their passenger motor vehicle registrations for a one-year period instead of a two- or three-year registration period. A new law additionally allows them to opt to renew combination registrations for a one-year period ([PA 21-106](#), § 18, effective October 1, 2021).

Pilot Program for Commercial Vehicles Transporting Seniors

A new law requires the Department of Transportation (DOT) to establish a pilot program to allow vehicles owned by or under contract with a nonprofit organization that transport seniors or individuals with disabilities to use the Merritt and Wilbur Cross parkways, subject to certain requirements. (Existing law generally prohibits commercial vehicles from using these parkways.)

Under the act, the pilot program must begin by January 1, 2022, and end on January 1, 2024. The DOT commissioner must report to the Transportation Committee on the program's implementation and any related legislative recommendations by February 1, 2024 ([PA 21-175](#), § 54, effective October 1, 2021).

Miscellaneous

Assistive Technology Loans

A new law replaces the Department of Aging and Disability Services' Assistive Technology Revolving Fund, which makes direct loans to people with disabilities, senior citizens, or their family members, with the Assistive Technology Loan Program to make and guarantee loans for the same purposes ([PA 21-151](#), § 3, effective July 1, 2021).

Various Revisions

In addition to the sections described above, [PA 21-121](#), An Act Concerning DPH's Recommendations Regarding Various Revisions to the Public Health Statutes, makes other miscellaneous changes to statutes pertaining to long-term care, such as (1) eliminating the requirement that DPH administer the required examination for nursing home administrator licensure applicants (§ 44) and (2) adding "hospice agencies" to the statutory definition of a "health care institution" (§§ 45-51 & 53) ([PA 21-121](#), most provisions take effect July 1, 2021).

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