



Agency Legislative Proposal - 2016 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): [Click here to enter text.](#)

11302015_SDA_LTCOP/CON

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **State Department on Aging**

Liaison: **Pam Toohey**

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Lead agency division requesting this proposal: **Long Term Care Ombudsmen Program**

Agency Analyst/Drafter of Proposal: **Pam Toohey/Nancy Shaffer**

Title of Proposal: **An Act Concerning the State Long Term Care Ombudsman's Notice to Nursing Home residents regarding the home's intent to file for closing.**

Statutory Reference: **Sec. 17b-352d**

Proposal Summary: **The proposed amendment will require that a nursing home facility's Letter of Intent (LOI) to close, which is the facility's official notice to the State that it desires to close the home, be accompanied by a letter to the residents and families from Office of the State Long Term Care Ombudsman.**

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PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) Have certain constituencies called for this action?*
- (4) What would happen if this was not enacted in law this session?*

Current legislation requires that a Letter of Intent (LOI) to close a facility be provided to residents/families by the facility. The LOI is sent to the Commissioner of the Department of Social Services and sets in motion the process of the facility's request to close. The next step is a public hearing at which time DSS hears testimony from interested parties regarding a potential closing. Often times, many residents have already discharged to other nursing homes by the time this public hearing is held (not later than thirty days after DSS receipt of the LOI +/- CON). The LOI presents only the facility/business's perspective and usually has strong language that gives the sense there is no alternative but to close. This initial message can be devastating to the resident and family. Therefore, balancing that message with the assurance that the residents have rights and protections needs to be heard at the same time.



The mandate of the Long-Term Care Ombudsman Program is to ensure that residents' welfare and rights are protected. The addition of this letter from the Office of the State Ombudsman will present a more balanced picture to the residents and their families of what is happening, their rights and protections and advises them that they can take time and not be rushed into any decisions. The Ombudsman letter also has the potential to enhance opportunities for Money Follows the Person to engage residents and families in discussing options for community living, thus forwarding the Governor's initiatives to rebalance the State's long-term services and supports systems.

The State of Connecticut is likely to experience more nursing home closures in the future. Enacting this legislation now will provide assurances to residents at a difficult time and will ensure they have greater opportunity to review all their options should the DSS Commissioner decide to grant the home's request to close.

Origin of Proposal New Proposal Resubmission

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

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PROPOSAL IMPACT

AGENCIES AFFECTED (please list for each affected agency)

Agency Name: **Department of Social Services**

Agency Contact (name, title, phone): **Krista Ostaszewski, Legislative Analyst, 860-424-5612**

Date Contacted: **10/13/15, 11/30/15**

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Discussions between SDA Commissioner, DSS Commissioner, Legislative Analyst resulted in full support.

Will there need to be further negotiation? YES NO



◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> none
State Anticipated there could be a positive impact to the State if residents are able to exercise informed choice and utilize the resources of Money Follows the Person Program and choose community living rather than a transfer to another skilled nursing facility.
Federal none
Additional notes on fiscal impact Click here to enter text.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

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Insert fully drafted bill here

Recommend CT General Statute 17b-352 (d) and after (G) insert (H) “the facility shall include an informational letter provided by the Office of the State Ombudsman in the same envelope as the Letter of Intent”.