

DOC/ DMHAS-Contracted Nursing Home Facility

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Issue

Provide an overview of the 60 West nursing home facility in Rocky Hill.

Summary

60 West is a privately-owned nursing home in Rocky Hill, managed by SecureCare Options, LLC. In addition to receiving referrals from the community, the facility is under contract with the state to serve patients referred by the Department of Correction (DOC) and Department of Mental Health and Addiction Services (DMHAS).

The facility has a capacity of 95 residents. According to DMHAS, the census as of February 19, 2020, is 85 residents. Among those individuals, 52 were transferred from a DMHAS facility, 28 from a DOC facility, and five from another community setting.

According to [DMHAS](#), an individual who is referred for potential admission to the facility receives an onsite and comprehensive assessment, including a risk review, in addition to standard nursing home pre-admission screening. A committee comprised of DMHAS, DOC, and 60 West staff approves admissions. The [referral form](#) contains eight questions assessing the individual's needs and safety risk. Generally, admission candidates have a degenerative, terminal condition, such as dementia, requiring skilled nursing care. The facility has a secured cognitive impairment unit and an open long-term care unit.

The facility is licensed by the Department of Public Health as a chronic and convalescent nursing home. According to a document on 60 West's [website](#), the facility admitted its first resident in May 2013 and received a federal Medicare provider number in December 2016.

The facility was developed following two related state laws enacted in 2011 and 2012. The first allows the DOC, DMHAS, and Social Services commissioners to establish or contract for a nursing home to care for individuals who require nursing home levels of care and are transitioning from a state correctional facility or receiving DMHAS services ([PA 11-44](#), § 117, codified as [CGS § 17b-372a](#)). The second allows the DOC commissioner to release inmates who meet certain criteria into licensed, community-based skilled nursing homes under contract with the state, for purposes of providing the inmates palliative and end-of-life care. Under this law, the inmates must remain under DOC supervision ([PA 12-1, June 12 Special Session](#), § 104, codified as [CGS § 18-100i](#)). For more information on these laws, and an overview of the request for information and request for proposals process that led to the selection of SecureCare Options, see OLR Report [2013-R-0129](#).

We were unable to find any legislation enacted after 2012 directly concerning this type of facility. In 2013, the Public Health Committee voted out a bill ([SB 115](#)) that would have (1) placed additional restrictions on which inmates the DOC commissioner could release to nursing homes under contract with the state for palliative and end-of-life care and (2) specified that this law does not limit any powers that a zoning or planning and zoning commission lawfully exercises pursuant to the zoning statutes. The bill was amended and passed by the Senate, but not acted upon by the House. Among other changes, the Senate Amendment would have (1) added several more crimes to the list of those making inmates ineligible for release to nursing homes, (2) required that such released inmates be supervised at all times by trained DOC employees, and (3) prohibited DOC from placing any inmates in nursing homes under this law until the local zoning authority determined that the home was in compliance with local zoning regulations.

The establishment and operation of the facility has been the subject of litigation. In December 2012, Rocky Hill filed a lawsuit against affiliates of SecureCare Options, seeking temporary and permanent injunctions to prevent the facility from opening. The suit alleged that the facility, which is located in a residential area, violated local zoning requirements. The case eventually reached the state Supreme Court, which ruled in 2015 that (1) the group of private entities involved with the facility was not an "arm of the state" entitled to sovereign immunity and (2) Rocky Hill's zoning regulations were not preempted by the law allowing the state to contract to establish such a facility (*Town of Rocky Hill v. SecureCare Realty, LLC*, 315 Conn. 265 (2015)). The court remanded the case to Superior Court for further proceedings.

On remand, the Superior Court entered judgment for the defendants, thus allowing the facility to remain open. The court (Berger, J.T.R.) concluded that the facility was a nursing home, not a prison, and that the use of the property was a continuation of a legal nonconforming use under the zoning regulations (2018 WL 2048542, 66 Conn. L. Rptr. 437, March 14, 2018).

Some private property owners surrounding the 60 West facility have also brought a lawsuit, making various allegations that the property was a nuisance. The case is still ongoing (*Mundle v. ICare Management, LLC et al.*, HHD-CV14-6065021-S).

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