



General Assembly

January Session, 2025

Raised Bill No. 6910

LCO No. 3527



Referred to Committee on VETERANS' AND MILITARY
AFFAIRS

Introduced by:
(VA)

***AN ACT ESTABLISHING WAITING LIST EXCEPTIONS FOR SERVICE-
CONNECTED VETERANS IN CERTAIN LONG-TERM CARE
FACILITIES.***

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 Section 19a-533 of the general statutes is repealed and the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 July 1, 2025*):

3 (a) As used in this section: [(1) "nursing home"]

4 (1) "Nursing home" means any chronic and convalescent facility or
5 any rest home with nursing supervision, as defined in section 19a-521,
6 which has a provider agreement with the state to provide services to
7 recipients of funds obtained through Title XIX of the Social Security
8 Amendments of 1965; [and (2) "indigent person"]

9 (2) "Indigent person" means any person who is eligible for or who is
10 receiving medical assistance benefits from the state;

11 (3) "Federally contracted veterans nursing home" means a nursing
12 home that has a contract with the United States Department of Veterans

13 Affairs to provide care for veterans; and

14 (4) "Service-connected veteran" means a veteran who meets the
15 United States Department of Veterans Affairs service-connected
16 eligibility criteria and all applicable United States Department of
17 Veterans Affairs eligibility requirements.

18 (b) A nursing home which receives payment from the state for
19 rendering care to indigent persons:

20 (1) Shall be prohibited from discriminating against indigent persons
21 who apply for admission to such facility on the basis of source of
22 payment. Except as otherwise provided by law, all applicants for
23 admission to such facility shall be admitted in the order in which such
24 applicants apply for admission as evidenced by the nursing home's
25 acceptance of a substantially completed application for admission. Each
26 nursing home shall (A) provide a receipt to each applicant who
27 substantially completes an application for admission to its facility who
28 requests placement on a waiting list stating the date and time of such
29 substantial completion and acceptance of the application by the nursing
30 home, and (B) maintain a dated list of such applications which shall be
31 available at all times to any applicant, the applicant's bona fide
32 representative, authorized personnel from the Departments of Public
33 Health and Social Services and such other state agencies or other bodies
34 established by state statute whose statutory duties necessitate access to
35 such lists. A nursing home may maintain such waiting list in electronic
36 form. On and after July 1, 2025, a nursing home shall maintain such
37 waiting list in electronic form;

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

40 (3) Shall develop and implement policies and procedures related to
41 the waiting list that address (A) what information is required for such
42 application to be considered substantially completed and accepted by
43 the nursing home, (B) what steps the nursing home will take to protect
44 the privacy of information submitted by a prospective resident, and (C)

45 a description of how the integrity of information in the electronic
46 waiting list will be maintained, including steps taken to ensure accuracy
47 in recording of the (i) date and time a prospective resident is placed on
48 the waiting list, and (ii) any dated notification made pursuant to
49 subsection (c) of this section. A nursing home shall not be required to
50 maintain a list of inquiries from prospective residents who have not yet
51 submitted a substantially completed application for admission accepted
52 by the nursing home, nor to provide any such person with a receipt of
53 their inquiry;

54 (4) May, no sooner than ninety days after initial placement of the
55 person's name on the waiting list, inquire by letter or electronic mail of
56 such applicant and any one person if designated by such applicant
57 whether the applicant desires continuation of the applicant's name on
58 the waiting list. If the applicant does not respond and an additional
59 thirty days pass, the nursing home may remove such applicant's name
60 from its waiting list. A nursing home may annually send a waiting list
61 placement continuation communication by letter or electronic mail to all
62 persons on the waiting list for at least ninety days to inquire as to
63 whether such person desires continuation of the person's name on the
64 waiting list, provided such communication shall also be sent to any one
65 person if designated by such applicant. If such person does not respond
66 and at least thirty days pass, the facility may remove the person's name
67 from its waiting list. Indigent persons shall be placed on any waiting list
68 for admission to a facility and shall be admitted to the facility as
69 vacancies become available, in the same manner as self-pay applicants,
70 except as provided in subsections (f) and (g) of this section;

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

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

84 (7) Shall maintain an electronic record of the number of patients who
85 are Medicare, Medicaid and private pay patients and make such
86 information available, upon request, to the state or regional
87 ombudsman.

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

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

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

110 The department shall stay the imposition of any sanction pending the
111 outcome of the administrative hearing.

112 (f) A nursing home with a number of self-pay residents equal to or
113 less than thirty per cent of its total number of residents shall not be
114 required to admit an indigent person on a waiting list for admission
115 when a vacancy becomes available during the subsequent six months,
116 provided (1) no bed may be held open for more than thirty days, and (2)
117 the nursing home notifies the Commissioner of Social Services and the
118 regional nursing home ombudsman office on the date on which such
119 six-month period of waiting list exemption began and thereafter on a
120 quarterly basis if the conditions for exemption still apply.

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

124 (h) Notwithstanding the provisions of this section, a nursing home
125 shall, without regard to the order of its waiting list, admit an applicant
126 who (1) seeks to transfer from a nursing home that is closing, [or] (2)
127 seeks to transfer from a nursing home in which the applicant was placed
128 following the closure of the nursing home where such applicant
129 previously resided or, in the case of a nursing home placed in
130 receivership, the anticipated closure of the nursing home where such
131 applicant previously resided, provided (A) the transfer occurs not later
132 than sixty days following the date that such applicant was transferred
133 from the nursing home where he or she previously resided, and (B)
134 except when the nursing home that is closing transferred the resident
135 due to an emergency, the applicant submitted an application to the
136 nursing home to which he or she seeks admission at the time of the
137 applicant's transfer from the nursing home where he or she previously
138 resided, or (3) is a service-connected veteran if such nursing home is a
139 federally contracted veterans nursing home and such applicant is
140 eligible for care therein. A nursing home that qualifies for a waiting list
141 exemption pursuant to subsection (f) or (g) of this section shall not be
142 required to admit an indigent person under this subsection except when

143 the resident is being transferred from a nursing home that is closing due
144 to an emergency. No nursing home shall be required to admit an
145 applicant pursuant to the provisions of this subsection if the nursing
146 home has determined that (i) the applicant does not have a payor source
147 because the applicant has been denied Medicaid eligibility or the
148 applicant has failed to pay a nursing home that is closing for the three
149 months preceding the date of the application for admittance and has no
150 pending application for Medicaid, (ii) the applicant is subject to a
151 Medicaid penalty period, or (iii) the applicant does not require nursing
152 home level of care as determined in accordance with applicable state
153 and federal requirements.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2025</i>	19a-533
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VA *Joint Favorable*