



General Assembly

January Session, 2025

Raised Bill No. 6972

LCO No. 4726



Referred to Committee on AGING

Introduced by:
(AGE)

***AN ACT CONCERNING TRANSFERS AND DISCHARGES IN
RESIDENTIAL CARE HOMES.***

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

1 Section 1. Section 19a-535a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2025*):

3 (a) As used in this section:

4 (1) "Facility" means a residential care home, as defined in section 19a-
5 490;

6 (2) "Emergency" means a situation in which a resident of a facility
7 presents an imminent danger to the resident's own health or safety, the
8 health or safety of another resident or the health or safety of an
9 employee or the owner of the facility;

10 (3) "Department" means the Department of Public Health; and

11 (4) "Commissioner" means the Commissioner of Public Health, or the
12 commissioner's designee.

13 (b) A facility shall permit each resident to remain in the facility, and
14 not transfer or discharge a resident [from the facility] unless (1) the
15 transfer or discharge is necessary to meet the resident's welfare and the
16 resident's welfare cannot be met in the facility, (2) the transfer or
17 discharge is appropriate because the resident's health has improved
18 sufficiently so the resident no longer needs the services provided by the
19 facility, (3) the health or safety of individuals in the facility is
20 endangered, (4) the resident has failed, after reasonable and appropriate
21 notice, to pay for a stay or a requested service at the facility, or (5) the
22 facility ceases to operate.

23 (c) In the case of an involuntary transfer or discharge, the facility
24 shall, in a form and manner prescribed by the commissioner, provide
25 written notice to the resident and, if known, the resident's legally liable
26 relative, guardian or conservator not less than thirty days prior to the
27 proposed transfer or discharge date, except when the facility has
28 requested an immediate transfer or discharge in accordance with
29 subsection [(e)] (f) of this section. Such notice shall include (1) the reason
30 for the transfer or discharge, (2) the effective date of the transfer or
31 discharge, (3) the location to which the resident will be transferred or
32 discharged, (4) the right of the resident to appeal a transfer or discharge
33 by the facility pursuant to subsection [(d)] (e) of this section, [and] (5)
34 the resident's right to represent himself or herself or be represented by
35 legal counsel, [. Such notice shall be in a form and manner prescribed by
36 the commissioner, as modified from time to time, and shall include the
37 name, mailing address and telephone number of the State Long-Term
38 Care Ombudsman and be sent by facsimile or electronic communication
39 to the Office of the Long-Term Care Ombudsman on the same day as
40 the notice is given to the resident] (6) the name, mailing address and
41 telephone number of the State Long-Term Care Ombudsman, and (7) an
42 attestation by the facility that such notice has been submitted to the
43 Internet web site portal maintained by the State Ombudsman in
44 accordance with subsection (h) of this section. Such notice shall be
45 submitted to the Internet web site portal maintained by the State
46 Ombudsman on the same day such notice is provided to the resident. If

47 the facility knows the resident has, or the facility alleges that the resident
48 has, a mental illness or an intellectual disability, the notice shall also
49 include the name, mailing address and telephone number of the entity
50 designated by the Governor in accordance with section 46a-10b to serve
51 as the Connecticut protection and advocacy system. If any information
52 provided in a notice provided pursuant to the provisions of this
53 subsection changes prior to effecting the transfer or discharge of a
54 resident, the facility shall update each recipient of the notice in writing
55 as soon as practicable once the updated information becomes available.
56 No resident shall be involuntarily transferred or discharged from a
57 facility if such transfer or discharge presents imminent danger of death
58 to the resident.

59 ~~[(c)]~~ (d) The facility shall be responsible for assisting the resident in
60 finding an alternative residence. A discharge plan, prepared by the
61 facility, in a form and manner prescribed by the commissioner, as
62 modified from time to time, shall include the resident's individual needs
63 and shall be submitted to the resident not later than seven days after the
64 notice of transfer or discharge is issued to the resident. The facility shall
65 submit the discharge plan to the commissioner at or before the hearing
66 held pursuant to subsection ~~[(d)]~~ (e) of this section.

67 ~~[(d)]~~ (e) (1) A resident or the resident's legally liable relative, guardian
68 or conservator who has been notified by a facility, pursuant to
69 subsection ~~[(b)]~~ (c) of this section, that the resident will be transferred or
70 discharged from the facility may appeal such transfer or discharge to
71 the Commissioner of Public Health by filing a request for a hearing with
72 the commissioner not later than ten days after the receipt of such notice.
73 Upon receipt of any such request, the commissioner shall hold a hearing
74 to determine whether the transfer or discharge is being effected in
75 accordance with this section. Such a hearing shall be held not later than
76 seven business days after the receipt of such request. The commissioner
77 shall issue a decision not later than twenty days after the closing of the
78 hearing record. The hearing shall be conducted in accordance with
79 chapter 54.

80 (2) Any involuntary transfer or discharge that is appealed under this
81 subsection shall be stayed pending a final determination by the
82 commissioner.

83 (3) The commissioner shall send a copy of the decision regarding a
84 transfer or discharge to the facility, the resident and the resident's legal
85 guardian, conservator or other authorized representative, if known, or
86 the resident's legally liable relative or other responsible party, and the
87 State Long-Term Care Ombudsman.

88 [(e)] (f) (1) In the case of an emergency, the facility may request that
89 the commissioner make a determination as to the need for an immediate
90 transfer or discharge of a resident by submitting a sworn affidavit
91 attesting to the basis for the emergency transfer or discharge. The facility
92 shall provide a copy of the request for an immediate transfer or
93 discharge and the notice described in subsection [(b)] (c) of this section
94 to the resident. After receipt of such request, the commissioner may
95 issue an order for the immediate temporary transfer or discharge of the
96 resident from the facility. The temporary order shall remain in place
97 until a final decision is issued by the commissioner, unless earlier
98 rescinded. The commissioner shall issue the determination as to the
99 need for an immediate transfer or discharge of a resident not later than
100 seven days after receipt of the request from the facility. A hearing shall
101 be held not later than seven business days after the date on which a
102 determination is issued pursuant to this section. The commissioner shall
103 issue a decision not later than twenty days after the date on which the
104 hearing record is closed. The hearing shall be conducted in accordance
105 with the provisions of chapter 54.

106 (2) The commissioner shall send a copy of the decision regarding an
107 emergency transfer or discharge to the facility, the resident and the
108 resident's legal guardian, conservator or other authorized
109 representative, if known, or the resident's legally liable relative or other
110 responsible party and the State Long-Term Care Ombudsman.

111 (3) If the commissioner determines, based upon the request, that an

112 emergency does not exist, the commissioner shall proceed with a
 113 hearing in accordance with the provisions of subsection [(d)] (e) of this
 114 section.

115 [(f)] (g) A facility or resident who is aggrieved by a final decision of
 116 the commissioner may appeal to the Superior Court in accordance with
 117 the provisions of chapter 54. Pursuant to subsection (f) of section 4-183,
 118 the filing of an appeal to the Superior Court shall not, of itself, stay
 119 enforcement of an agency decision. The Superior Court shall consider
 120 an appeal from a decision of the commissioner pursuant to this section
 121 as a privileged case in order to dispose of the case with the least possible
 122 delay.

123 [(g) Not later than six months after May 23, 2022, a] (h) A facility shall
 124 electronically report each involuntary transfer or discharge (1) in a
 125 manner prescribed by the State Ombudsman, appointed pursuant to
 126 section 17a-405, and (2) on an Internet web site portal maintained by the
 127 State Ombudsman in accordance with patient privacy provisions of the
 128 Health Insurance Portability and Accountability Act of 1996, P.L. 104-
 129 191, as amended from time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2025	19a-535a

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AGE *Joint Favorable*