



General Assembly

January Session, 2025

Substitute Bill No. 7026



AN ACT CONCERNING EXCEPTIONS TO THE NURSING HOME BED MORATORIUM.

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

1 Section 1. Subsection (a) of section 17b-354 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) The Department of Social Services shall not accept or approve any
5 requests for additional nursing home beds, except (1) beds restricted to
6 use by patients with acquired immune deficiency syndrome or by
7 patients requiring neurological rehabilitation; (2) beds associated with a
8 continuing care facility, as described in section 17b-520, provided such
9 beds are not used in the Medicaid program; [. For the purpose of this
10 subsection, beds associated with a continuing care facility are not subject
11 to the certificate of need provisions pursuant to sections 17b-352 and
12 17b-353;] (3) Medicaid certified beds either to be relocated from one
13 licensed nursing facility to another licensed nursing facility to meet a
14 priority need identified in the strategic plan developed pursuant to
15 subsection (c) of section 17b-369 or new beds added to an existing
16 facility or a new facility with preference given to a nontraditional, small-
17 house-style nursing home facility that incorporates the goals for nursing
18 facilities referenced in the department's strategic plan for long-term
19 care, as outlined in section 17b-355, as amended by this act, to address
20 priority needs reflected by area census trends; (4) licensed Medicaid

21 nursing facility beds to be relocated from one or more existing nursing
 22 facilities to a new nursing facility, including a replacement facility,
 23 provided (A) no new Medicaid certified beds are added, (B) at least one
 24 currently licensed facility is closed in the transaction as a result of the
 25 relocation, (C) the relocation is done within available appropriations,
 26 (D) the facility participates in the Money Follows the Person
 27 demonstration project pursuant to section 17b-369, (E) the availability of
 28 beds in the area of need will not be adversely affected, (F) the certificate
 29 of need approval for such new facility or facility relocation and the
 30 associated capital expenditures are obtained pursuant to sections 17b-
 31 352 and 17b-353, and (G) the facilities included in the bed relocation and
 32 closure shall be in accordance with the strategic plan developed
 33 pursuant to subsection (c) of section 17b-369; and (5) proposals to build
 34 a nontraditional, small-house style nursing home designed to enhance
 35 the quality of life for nursing facility residents, provided that the
 36 nursing facility agrees to reduce its total number of licensed beds by a
 37 percentage determined by the Commissioner of Social Services in
 38 accordance with the department's strategic plan for long-term care. For
 39 the purposes of this subsection, beds associated with a continuing care
 40 facility are not subject to the certificate of need provisions pursuant to
 41 sections 17b-352 and 17b-353.

42 Sec. 2. Section 17b-355 of the general statutes is repealed and the
 43 following is substituted in lieu thereof (*Effective from passage*):

44 (a) In determining whether a request submitted pursuant to sections
 45 17b-352 to 17b-354, inclusive, as amended by this act, will be granted,
 46 modified or denied, the Commissioner of Social Services shall consider
 47 the following: (1) The financial feasibility of the request and its impact
 48 on the applicant's rates and financial condition, (2) the contribution of
 49 the request to the quality, accessibility and cost-effectiveness of the
 50 delivery of long-term care in the region, (3) whether there is clear public
 51 need for the request, (4) the relationship of any proposed change to the
 52 applicant's current utilization statistics and the effect of the proposal on
 53 the utilization statistics of other facilities in the applicant's service area,
 54 (5) the business interests of all owners, partners, associates,

55 incorporators, directors, sponsors, stockholders and operators and the
56 personal background of such persons, and (6) any other factor which the
57 Department of Social Services deems relevant. In considering whether
58 there is clear public need for any request for the relocation of beds to a
59 replacement facility, or for new beds added to an existing facility or a
60 new facility, the commissioner shall consider whether there is a
61 demonstrated bed need in the towns within a fifteen-mile radius of the
62 town in which the beds are proposed to be located and whether the
63 availability of beds in the applicant's service area will be adversely
64 affected.

65 (b) Any proposal to relocate nursing home beds from an existing
66 facility to a new facility shall not increase the number of Medicaid
67 certified beds and shall result in the closure of at least one currently
68 licensed facility. The commissioner may request that any applicant
69 seeking to replace an existing facility reduce the number of beds in the
70 new facility by a percentage that is consistent with the department's
71 strategic state-wide long-term rebalancing plan for long-term care. If an
72 applicant seeking to replace an existing facility with a new facility owns
73 or operates more than one nursing facility, the commissioner may
74 request that the applicant close two or more facilities before approving
75 the proposal to build a new facility. The commissioner shall also
76 consider whether an application to establish a new or replacement
77 nursing facility proposes a nontraditional, small-house style nursing
78 facility and incorporates goals for nursing facilities referenced in the
79 department's strategic state-wide long-term rebalancing plan for long-
80 term care, including, but not limited to, (1) promoting person-centered
81 care, (2) providing enhanced quality of care, (3) creating community
82 space for all nursing facility residents, and (4) developing stronger
83 connections between the nursing facility residents and the surrounding
84 community.

85 [Bed] (c) Demonstrated bed need shall be based on the recent
86 occupancy percentage of area nursing facilities [and the] with
87 occupancy above ninety-six per cent for a minimum of two consecutive
88 quarters. The department may consider projected bed need [for no more

89 than five years] into the future at [ninety-seven and one-half per cent]
90 occupancy above ninety-six per cent using the latest [official population
91 projections by town and age as published by the Office of Policy and
92 Management and the latest available state-wide nursing facility
93 utilization statistics by age cohort from the Department of Public
94 Health] strategic state-wide long-term rebalancing plan for long-term
95 care as published by the department. The commissioner may also
96 consider area specific utilization and reductions in utilization rates to
97 account for the increased use of less institutional alternatives.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-354(a)
Sec. 2	<i>from passage</i>	17b-355

HS *Joint Favorable Subst. -LCO*

AGE *Joint Favorable*