



General Assembly

January Session, 2025

Substitute Bill No. 1280



**AN ACT CONCERNING THE RESPONSIBILITIES OF THE
COMMUNITY OMBUDSMAN PROGRAM.**

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

1 Section 1. Section 17a-886 of the general statutes is repealed and the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) "authorized representative" means a
4 person designated by a home care client, in writing, to act on such
5 client's behalf, including, but not limited to, a health care representative
6 appointed pursuant to section 19a-575a or 19a-577; (2) "home care"
7 means long-term services and supports provided to adults in a home or
8 community-based program administered by the Department of Social
9 Services; (3) "home care provider" means a person or organization,
10 including, but not limited to, (A) a home health agency or hospice
11 agency, as defined in section 19a-490, [or] (B) a homemaker-companion
12 agency, as defined in section 20-670, or (C) any individual offering long-
13 term services and supports directly, whether formally or informally;
14 and (4) ["long-term services and supports" means (A) health, health-
15 related, personal care and social services provided to persons with
16 physical, cognitive or mental health conditions or disabilities to facilitate
17 optimal functioning and quality of life, or (B) hospice care provided to
18 persons who may be nearing the end of their lives] "home and
19 community-based long-term services and supports" means a
20 comprehensive array of health, personal care and supportive services,

21 including, but not limited to, services and supports offered through (A)
22 community-based programs administered by the Department of Social
23 Services, and (B) a home care provider to a person with physical,
24 cognitive or mental health conditions to (i) enhance such person's
25 quality of life, (ii) facilitate optimal functioning, and (iii) support
26 independent living in the setting of such person's choice.

27 (b) There is established a Community Ombudsman program within
28 the independent Office of the Long-Term Care Ombudsman,
29 established pursuant to section 17a-405. Not later than October 1, 2022,
30 the State Ombudsman appointed pursuant to said section shall, within
31 available appropriations, appoint a Community Ombudsman who shall
32 have access to data pertaining to home and community-based long-term
33 services and supports [provided by a home care provider] to a client,
34 including, but not limited to, medical, social and other data relating to
35 such client, provided (1) such client or such client's authorized
36 representative provides written consent to such access, (2) if such client
37 is incapable of providing such consent due to a physical, cognitive or
38 mental health condition or disability, the client communicates consent
39 orally, visually or through the use of auxiliary aids and services, or (3)
40 if such client is incapable of providing such consent as described in
41 subdivision (2) of this subsection, and has no authorized representative,
42 the Community Ombudsman determines the data is necessary to
43 investigate a complaint concerning such client's care.

44 (c) The Community Ombudsman program may:

45 (1) Identify, investigate, refer and resolve complaints about home
46 [care services] and community-based long-term services and supports;

47 (2) Raise public awareness about home [care and the program] and
48 community-based long-term services and supports;

49 (3) Promote access to home [care services] and community-based
50 long-term services and supports;

51 (4) Advocate for long-term care options;

52 (5) Coach individuals in self advocacy; and

53 (6) Provide referrals to [home care] clients receiving home and
54 community-based long-term services and supports for legal, housing
55 and social services.

56 (d) The Office of the Long-Term Care Ombudsman shall oversee the
57 Community Ombudsman program and provide administrative and
58 organizational support by:

59 (1) Developing and implementing a public awareness strategy about
60 the Community Ombudsman program;

61 (2) Applying for, or working in collaboration with other state
62 agencies to apply for, available federal funding for Community
63 Ombudsman services;

64 (3) Collaborating with persons administering other state programs
65 and services to design and implement an agenda to promote the rights
66 of elderly persons and persons with disabilities;

67 (4) Providing information to public and private agencies, elected and
68 appointed officials, the media and other persons regarding the problems
69 and concerns of older adults and people with disabilities receiving home
70 care;

71 (5) Advocating for improvements in the home and community-based
72 long-term services and supports system; and

73 (6) Recommending changes in federal, state and local laws,
74 regulations, policies and actions pertaining to the health, safety, welfare
75 and rights of people receiving home care.

76 (e) Not later than December 1, 2023, and annually thereafter, the State
77 Ombudsman shall submit a report, in accordance with the provisions of
78 section 11-4a, to the joint standing committees of the General Assembly
79 having cognizance of matters relating to aging, human services and
80 public health on (1) implementation of the public awareness strategy

81 relating to the Community Ombudsman program, (2) the number of
82 persons served in the program, (3) the number of complaints regarding
83 home [care] and community-based long-term services and supports
84 filed with the program, (4) the disposition of such complaints, and (5)
85 any gaps in services and resources needed to address such gaps.

86 (f) The State Ombudsman and the Community Ombudsman shall
87 ensure that any health data obtained pursuant to subsection (b) of this
88 section relating to a [home care] client receiving home and community-
89 based long-term services and supports is protected in accordance with
90 the Health Insurance Portability and Accountability Act of 1996, P.L.
91 104-191, as amended from time to time.

92 (g) The State Ombudsman may assign a regional community
93 ombudsman the duties and responsibilities of a regional ombudsman
94 for the Office of the Long-Term Care Ombudsman, as deemed necessary
95 by the State Ombudsman.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2025	17a-886

Statement of Legislative Commissioners:

Subsec. (a)(4) was redrafted for clarity, and in Subsec. (e)(3), "home care" was changed to "home [care] and community-based long-term services and supports" for internal consistency.

AGE *Joint Favorable Subst. -LCO*