



General Assembly

Amendment

January Session, 2025

LCO No. 9461



Offered by:
REP. GILCHREST, 18th Dist.

To: Subst. House Bill No. 7026

File No. 151

Cal. No. 125

**"AN ACT CONCERNING EXCEPTIONS TO THE NURSING HOME
BED MORATORIUM."**

1 Strike section 2 in its entirety and insert the following in lieu thereof:

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 Section 17b-355 of the general statutes is repealed and the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

4 (a) In determining whether a request submitted pursuant to sections
5 17b-352 to 17b-354, inclusive, as amended by this act, will be granted,
6 modified or denied, the Commissioner of Social Services shall consider
7 the following: (1) The financial feasibility of the request and its impact
8 on the applicant's rates and financial condition, (2) the contribution of
9 the request to the quality, accessibility and cost-effectiveness of the
10 delivery of long-term care in the region, (3) the nursing home's star
11 rating on the five-star quality rating system for nursing homes
12 published by the Centers for Medicare and Medicaid Services, (4)
13 whether there is clear public need for the request, (5) the relationship of
14 any proposed change to the applicant's current utilization statistics and
15 the effect of the proposal on the utilization statistics of other facilities in

16 the applicant's service area, (6) the business interests of all owners,
17 partners, associates, incorporators, directors, sponsors, stockholders
18 and operators and the personal background of such persons, and (7) any
19 other factor which the Department of Social Services deems relevant. In
20 considering whether there is clear public need for any request for the
21 relocation of beds to a replacement facility, or for new beds added to an
22 existing facility or a new facility, the commissioner shall consider
23 whether there is a demonstrated bed need in the towns within a fifteen-
24 mile radius of the town in which the beds are proposed to be located
25 and whether the availability of beds in the applicant's service area will
26 be adversely affected.

27 (b) Any proposal to relocate nursing home beds from an existing
28 facility to a new facility shall not increase the number of Medicaid
29 certified beds and shall result in the closure of at least one currently
30 licensed facility. The commissioner may request that any applicant
31 seeking to replace an existing facility reduce the number of beds in the
32 new facility by a percentage that is consistent with the department's
33 strategic state-wide long-term rebalancing plan for long-term care. If an
34 applicant seeking to replace an existing facility with a new facility owns
35 or operates more than one nursing facility, the commissioner may
36 request that the applicant close two or more facilities before approving
37 the proposal to build a new facility. The commissioner shall also
38 consider whether an application to establish a new or replacement
39 nursing facility proposes a nontraditional, small-house style nursing
40 facility and incorporates goals for nursing facilities referenced in the
41 department's strategic state-wide long-term rebalancing plan for long-
42 term care, including, but not limited to, (1) promoting person-centered
43 care, (2) providing enhanced quality of care, (3) creating community
44 space for all nursing facility residents, and (4) developing stronger
45 connections between the nursing facility residents and the surrounding
46 community.

47 [Bed] (c) Demonstrated bed need shall be based on the recent
48 occupancy percentage of area nursing facilities [and the] with

49 occupancy above ninety-six per cent for a minimum of two consecutive
50 quarters. The department may consider projected bed need [for no more
51 than five years] into the future at [ninety-seven and one-half per cent]
52 occupancy above ninety-six per cent using the latest [official population
53 projections by town and age as published by the Office of Policy and
54 Management and the latest available state-wide nursing facility
55 utilization statistics by age cohort from the Department of Public
56 Health] strategic state-wide long-term rebalancing plan for long-term
57 care as published by the department. The commissioner may also
58 consider area specific utilization and reductions in utilization rates to
59 account for the increased use of less institutional alternatives."