

Long Term Services and Support Legislation

Passed in the 2016 Session of the Connecticut General Assembly

As of June 6, 2016

An asterisk (*) indicates legislation that addresses a recommendation in the 2016 Long-Term Care Plan.

*** Public Act 16-6 (S.B. 161) - AN ACT CONCERNING NOTIFICATION OF PENALTIES FOR ABUSE AND NEGLECT OF NURSING HOME RESIDENTS (Signed by the Governor May 5, 2016)**

To provide notification of the civil, criminal and administrative penalties for abuse and neglect of nursing home residents by requiring the Commissioner of Public Health to add to the front page of any application of licensure for acquisition of a nursing home the following statement:

“NOTICE: The State of Connecticut values the quality of care provided to all nursing home residents. Please know that any nursing home licensee, owner or officer, including, but not limited to, a director, trustee, limited partner, managing partner, general partner or any person having at least a ten percent ownership interest in the nursing home or the entity that owns the nursing home, and any administrator, assistant administrator, medical director, director of nursing or assistant director of nursing may be subject to civil and criminal liability, as well as administrative sanctions under applicable federal and state law, for the abuse or neglect of a resident of the nursing home perpetrated by an employee of the nursing home.”

The act clarifies that the statement does not affect the legal liability of persons mentioned in the statement. *Effective Date: October 1, 2016*

*** Public Act 16-8 (S.B. 280) - AN ACT CONCERNING THE LONG-TERM CARE OMBUDSMAN’S NOTICE TO NURSING HOME RESIDENTS (Signed by the Governor May 5, 2016)**

This bill adds an informational letter on patients' rights and available services to the written notice that long-term care facilities must provide to patients and other parties when planning to terminate a service or substantially decrease bed capacity. Under the bill, the informational letter must be jointly issued by the Office of Long-Term Care Ombudsman and the Department on Aging. *Effective Date: July 1, 2016*

Public Act 16-12 (S.B. No. 107) – AN ACT CONCERNING THE TREATMENT OF THE CASH VALUE OF LIFE INSURANCE POLICIES WHEN EVALUATING MEDICAID ELIGIBILITY (Signed by the Governor May 6, 2016)

Removes a requirement that an institutionalized individual must use the proceeds from his or her life insurance policy valued at less than ten thousand dollars toward the cost of his or her care in order to qualify such individual for Medicaid. *Effective upon passage*

Public Act 16-20 (S.B. 189) - AN ACT CONCERNING IRREVOCABLE FUNERAL SERVICE CONTRACTS (signed by the Governor May 6, 2016)

Increases the maximum allowable amount of an irrevocable services contract from \$5,400 to \$8,000 *Effective July 1, 2016*

*** Public Act 16-59 (S.B. 166) – AN ACT EXPANDING UTILIZATION OF PATIENT DESIGNATED CAREGIVERS (Signed by the Governor May, 25, 2016)**

This bill extends to nursing homes existing requirements for hospitals regarding the designation of patient caregivers at the time of a patient's discharge. Specifically, the bill requires a nursing home, when discharging a resident to his or her home to: (1) Allow the resident or his or her representative to designate a caregiver at, or before, the time the resident receives a written copy of his or her discharge plan; (2) Document the designated caregiver in the resident's discharge plan; (3) Make more than 1 reasonable attempt to notify the designated caregiver of the resident's discharge; and (4) Instruct the caregiver on post-discharge tasks with which he or she will assist the resident at home. Training may be provided in-person, video or in writing. The bill provides the option for caregivers to refuse training.

The bill specifies it does not create a private right of action against a nursing home or its employees, contractors, or consultants. It prohibits these entities and people from being held liable for services a caregiver provides or fails to provide to the patient in his or her home. *Effective Date: October 1, 2016*

Public Act 16-63 (S.B. 5521) – AN ACT CONCERNING SHORT-TERM CARE INSURANCE (Signed by the Governor May 31, 2016)

This bill establishes “short-term care insurance” as a new type of insurance providing certain health benefits for 300 or fewer days. Short-term care insurance will work similarly to long-term care insurance except that it covers a maximum 300 days of care. Long-term care insurance policies in Connecticut are required to cover a minimum of 365 days. The bill also requires the Insurance Commissioner to adopt regulations determining, among other things, a short-term care insurance policy review process and permissible loss ratio. The bill establishes disclosure requirements for insurers, fraternal benefit societies, hospital service corporations, medical service corporations, and health care centers issuing or delivering short-term care insurance policies in Connecticut and sets prohibitions around the acceptance of claims and specifies information that must be disclosed upon request from the insured. *Effective Date: October 1, 2016*

*** Public Act 16-176 (S.B. 392) - AN ACT CONCERNING THE ADOPTION OF THE SPECIAL NEEDS TRUST FAIRNESS ACT IN CONNECTICUT UPON PASSAGE IN CONGRESS. (Not yet signed by the Governor)**

This bill allows for Connecticut to comply with the federal Special Needs Trust Fairness Act of 2015 upon its passage by Congress. The technical changes will allow nonelderly individuals with disabilities to establish a special needs trust on their own behalf and allow such trust to be excluded from asset limits when determining eligibility for the Medicaid program. The Commissioner of the Department of Social Services, or his designee, has the authority to make a disability determination for any individual covered under a special needs trust who has not received a determination from the Social Security Administration. *Effective Date: Upon Passage*

*** Public Act 16-209 (S.B. 266) - AN ACT CONCERNING NURSING HOME RESIDENT ADMISSIONS AGREEMENTS (Not yet signed by the Governor)**

This bill requires a nursing home to include in any resident admission agreement, notice of the: (1) duties, responsibilities, and liabilities of the person who signs the agreement (i.e., “responsible party”) and (2) circumstances in which (a) the responsible party will be held legally liable and (b) his or her

personal assets may be pursued for payment to the nursing home. It also specifies the required font size and mandates that the notice be initialed by the responsible party. Failure by a nursing home to provide notice and obtain the initials of a responsible party will deem the resident admission agreement unenforceable with regard to the responsible party. *Effective Date: July 1, 2016*

Special Session Public Act 16-3 (as amended by Senate Amendment A (S.B. 502)) – AN ACT CONCERNING REVENUE AND OTHER ITEMS TO IMPLEMENT THE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017. (Signed by the Governor June 2, 2016)

Section 129 – Establishes a 63 member Commission on Women, Children and Seniors and consolidates and replaces the following three Commissions (1) The Permanent Commission on the Status of women; (2) the Commission on Children; and (3) the Commission on Aging. Members of the aforementioned Commissions who were appointed prior to July 1, 2016 and whose terms will extend beyond July 1, 2016 are automatically appointed to serve on the new Commission on Women, Children and Seniors. This section establishes guidelines for appointments made after July 1, 2016 and establishes two year term limits. The Commission will be organized into 3 policy divisions each focusing on one of the three populations covered under the Commission. Each Commission will have a budget of \$600,000. *Effective Date: July 1, 2016.*

Section 178 - Requires the Commission on Women, Children and Seniors to study the need for emergency power generators at Connecticut's elderly public housing sites. It defines “elderly public housing” as any building where at least 50% of the units are rented to individuals ages 62 and older under any state affordable housing program. The bill specifies information that must be included in the report and requires the Commission to submit a final report to the Aging, Housing and Public Safety Committees by January 1, 2017. *Effective Date: July 1, 2016*