



General Assembly

February Session, 2022

**Substitute Bill No. 453**



**AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S  
RECOMMENDATIONS REGARDING TRANSFERS AND DISCHARGES  
OF RESIDENTIAL CARE HOME RESIDENTS.**

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 Section 19a-535a of the general statutes is repealed and the  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, 2022*):

3 (a) As used in this section: [, a "facility"]

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 not transfer or discharge a resident from the facility  
14 unless (1) the transfer or discharge is necessary to meet the resident's  
15 welfare and the resident's welfare cannot be met in the facility, (2) the  
16 transfer or discharge is appropriate because the resident's health has

17 improved sufficiently so the resident no longer needs the services  
18 provided by the facility, (3) the health or safety of individuals in the  
19 facility is endangered, (4) the resident has failed, after reasonable and  
20 appropriate notice, to pay for a stay or a requested service [.] at the  
21 facility, or (5) the facility ceases to operate. In the case of an involuntary  
22 transfer or discharge, the facility shall provide written notice to the  
23 resident and, if known, [his] the resident's legally liable relative,  
24 guardian or conservator [shall be given a thirty-day written notification  
25 which includes] not less than thirty days prior to the proposed transfer  
26 or discharge date, except when the facility has requested an immediate  
27 transfer or discharge in accordance with subsection (e) of this section.  
28 Such notice shall include the reason for the transfer or discharge, [and  
29 notice of] the effective date of the transfer or discharge, the right of the  
30 resident to appeal a transfer or discharge by the facility pursuant to  
31 subsection (d) of this section and the resident's right to represent himself  
32 or herself or be represented by legal counsel. Such notice shall be in a  
33 form and manner prescribed by the commissioner, as modified from  
34 time to time, and shall include the name, mailing address and telephone  
35 number of the State Long-Term Care Ombudsman and be sent by  
36 facsimile or electronic communication to the Office of the Long-Term  
37 Care Ombudsman on the same day as the notice is given to the resident.  
38 If the facility knows the resident has, or the facility alleges that the  
39 resident has, a mental illness or an intellectual disability, the notice shall  
40 also include the name, mailing address and telephone number of the  
41 entity designated by the Governor in accordance with section 46a-10b to  
42 serve as the Connecticut protection and advocacy system. No resident  
43 shall be involuntarily transferred or discharged from a facility if such  
44 transfer or discharge presents imminent danger of death to the resident.

45 (c) The facility shall be responsible for assisting the resident in finding  
46 [appropriate placement] an alternative residence. A discharge plan,  
47 prepared by the facility, [which indicates] in a form and manner  
48 prescribed by the commissioner, as modified from time to time, shall  
49 include the resident's individual needs and shall [accompany the  
50 patient] be submitted to the resident not later than seven days after the

51 notice of transfer or discharge is issued to the resident. The facility shall  
52 submit the discharge plan to the commissioner at or before the hearing  
53 held pursuant to subsection (d) of this section.

54 (d) (1) [For transfers or discharges effected on or after October 1, 1989,  
55 a] A resident or [his] the resident's legally liable relative, guardian or  
56 conservator who has been notified by a facility, pursuant to subsection  
57 (b) of this section, that [he] the resident will be transferred or discharged  
58 from the facility may appeal such transfer or discharge to the  
59 Commissioner of Public Health by filing a request for a hearing with the  
60 commissioner [within] not later than ten days [of] after the receipt of  
61 such notice. Upon receipt of any such request, the commissioner [or his  
62 designee] shall hold a hearing to determine whether the transfer or  
63 discharge is being effected in accordance with this section. Such a  
64 hearing shall be held [within] not later than seven business days [of]  
65 after the receipt of such request. [and a determination made by the] The  
66 commissioner [or his designee within] shall issue a decision not later  
67 than twenty days [of the termination of] after the closing of the hearing  
68 record. The hearing shall be conducted in accordance with chapter 54.

69 [(2) In an emergency the facility may request that the commissioner  
70 make a determination as to the need for an immediate transfer or  
71 discharge of a resident. Before making such a determination, the  
72 commissioner shall notify the resident and, if known, his legally liable  
73 relative, guardian or conservator. The commissioner shall issue such a  
74 determination no later than seven days after receipt of the request for  
75 such determination. If, as a result of such a request, the commissioner or  
76 his designee determines that a failure to effect an immediate transfer or  
77 discharge would endanger the health, safety or welfare of the resident  
78 or other residents, the commissioner or his designee shall order the  
79 immediate transfer or discharge of the resident from the facility. A  
80 hearing shall be held in accordance with the requirements of  
81 subdivision (1) of this subsection within seven business days of the  
82 issuance of any determination issued pursuant to this subdivision.

83 (3) Any involuntary transfer or discharge shall be stayed pending a

84 determination by the commissioner or his designee. Notwithstanding  
85 any provision of the general statutes, the determination of the  
86 commissioner or his designee after a hearing shall be final and binding  
87 upon all parties and not subject to any further appeal.]

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

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

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

114 (2) The commissioner shall send a copy of the decision regarding an  
115 emergency transfer or discharge to the facility, the resident and the

