

New Laws in Effect Now or on July 1, 2022

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WIGGIN

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Budget Related Provisions

- Nursing Homes: 4.5% increase for wages and fully funds first year of acuity system
- RCHs: one year of rate relief using \$3.7 million in ARPA funding
- ADCs/Meals on Wheels: \$3 million in ARPA funding
- HCBS: Implements and makes permanent prior ARPA funding increases
- CT Home Care for Elders: state-funded portion of co-pay reduced from 4.5% to 3%

24 Hour Mandatory Reporting

- **PA 22-145, § 1, effective 7.1.22**
 - Amends statute obligating certain mandated reporters to submit reports to DSS Elderly Protective Services when there is reasonable cause to suspect or believe that abuse, neglect, exploitation or abandonment has occurred affecting an elderly person.
 - **Changes time frame for reports from 72 hours to 24 hours**
 - Note: No amendment to separate related statute mandating these reports to DSS within 72 hours when a long-term care resident is involved, but that statute references above provision, so reports should be made within 24 hours.

24 Hour Mandatory Reporting

ACTION STEPS:

- Revise Policy/Procedure on abuse reporting to reflect this change in time frame for reports to DSS*
- Train key staff on new timing requirement*
- Note that compliance with state time frames is also reviewed during federal surveys*

Transfer Discharge Notices to LTCOP

- **PA 22-57, §§ 9&10**

- Affects Nursing Homes (effective 7/1/22) and RCHs (11/23/22)
- Must submit electronic reports of involuntary transfer/discharge notices to LTCOP via her web site (includes refusal to readmit notices)

ACTION STEPS

- NURSING HOMES:** Review LTCOP web site and instructions:
<https://portal.ct.gov/-/media/LTCOP/PDF/WEBPORTAL/LTCOP-INV-Transfer-Website-Help-Manual-For-Facility-Staff-V1-11-2-21.pdf>
- NOTE:** RCH portal is not up yet

Transfer Discharge Notices to LTCOP

ACTION STEPS, *continued*

- Revise policies and procedures
- Ensure relevant staff are aware
- *Note that a separate provision, Section 46 of PA 22-58, takes effect on October 1, 2022, making several revisions to the requirements governing involuntary transfers and discharges in the RCH setting.*

Social Worker Staffing

- **PA 22-58 § 36, effective now**
 - Amends 2021 requirement of one social worker to 60 residents by clarifying that it will be applied proportionally, based on the number of residents in the nursing home
 - DPH was supposed to issue regulations to implement 2021 minimum direct care staffing, social worker and recreation staffing requirements
 - This Act allows DPH to issue policies and procedures to take effect before regulations are finalized

Social Worker Staffing

- PA 22-58 § 36, effective now, *continued*

ACTION STEP:

- Nursing homes may adjust social worker staffing proportionate to number of residents once DPH issues policies/procedures

Infection Prevention and Control

- **PA 22-58 §52, effective 7/1/22**
 - Affects nursing homes and assisted living dementia special care units (DSCUs)
 - Amends requirements for infection prevention and control specialists (IPCS) staffing
 - Only facilities with 60+ residents must employ a full-time IPCS; facilities with fewer than 60 residents may employ IPCS part-time

Infection Prevention and Control

- **PA 22-58 § 52, effective 7/1/22** *(continued)*
 - Creates exception enabling co-located nursing homes and nursing home/DSCU to employ one full-time IPCS **with DPH approval**:
 - Adjacently located or on same campus
 - Common ownership/control
 - Clarifies and changes requirement for IPCS to cover/work on all three shifts to instead require implementation of procedures to monitor infection prevention and control practices on all three shifts
 - Gives DPH waiver authority for the IPCS requirements

Infection Prevention and Control

PA 22-58 § 52, effective 7/1/22 *(continued)*

ACTION STEPS:

- Target any permitted adjustments to take effect on 7/1/22 (but ok to implement later)
- NOTE need for DPH approval for IPCS to cover two nursing homes or nursing home/DSCU that are adjacent or on same campus
- Develop policies and procedures on how infection prevention and control will be monitored on all three shifts

Certificate of Need

- **PA 22-145 §§ 6-9**
 - Effective 7/1/22 and affects nursing homes and residential care homes
 - Revisions include:
 - Informal conference opportunities
 - New small house moratorium exception
 - Clarifications for replacement facilities
 - No immediate action steps, but should be aware of revisions in the law, including helpful provisions, if you are initiating the CON process starting 7/1/22

Nursing Home Administrator CE

- **PA 22-58 § 11, effective now**
 - Infection prevention and control now a mandatory topic for required nursing home administrator continuing education
 - No change to 40-hour requirement every two years

Home Health No Hire Clauses

- **PA 22-118 §§ 244-245, effective now (5/7/22)**
 - Applies to home health care agency and homemaker companion agency contracts with clients
 - Prohibits “no hire clauses” that penalize clients for directly hiring an agency employee or deem them in breach of contract if they do so
 - Deems “no hire clauses” void and against public policy
 - Since 2019, non-competes in home health care and homemaker companion agency employment contracts have been deemed void and against public policy

Home Health No Hire Clauses

- **PA 22-118 §§ 244-245, effective now, *continued***

ACTION STEPS:

- Review contract forms to ensure these clauses are not included
- Be aware that “no hire” clauses in existing contracts cannot be enforced

HUD Assisted Living Programs

- **PA 22-58 §§ 53 & 54, effective 7/1/22**
 - Affects HUD Assisted Living Conversion Program (ALCP) housing providers
 - Permits but doesn't require that assisted living services be provided by an ALSA and therefore permits provision of assisted living services via CT Home Care Program for Elders providers or through other means
 - Exempts ALCP housing from registration as a managed residential community (MRC) but permits MRC registration if desired

ACTION STEP:

- Review current structure to determine best option for your organization

Questions?



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The information published here is believed accurate at the time of publication, but is subject to change and does not purport to be complete statement of all relevant issues.

