

CBA LPRC POSITION REQUEST FORM

The CBA Elder Law Section **position request** is as follows:

- 1) Proposed legislative or regulatory concept:

The Elder Law Section ***opposes*** legislation that would add additional grounds for allowing nursing home facilities to transfer or discharge patients, including but not limited to residents who fail to pay applied income to the facility for more than sixty days.

- 2) Explanation and rationale for advancing this position:

Federal and state law provide nursing homes with grounds for the discharge of a resident. Discharging residents because someone is not paying the nursing home the individual's income is not one of those grounds and would put the resident at risk as well as punish the resident for his/her representative's inaction. It is possible legislation of this nature will be introduced again.

- 3) Is draft regulation, legislation or proposed bill included? A bill had been proposed in 2014.

- 4) What is the date of any legislative hearing, if known? None at this time.

- 5) Was this position previously approved by the CBA? If so, when does/did it expire? Yes, the position expired at the end of the 2019 Legislative session

- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position? No.

- 7) Potential or actual CBA opposition from another CBA section or committee? No.

- 8) Strength of section position (including process and results of section vote taken on issue):

Re-authorization of section position unanimously approved by the Executive Committee of the Elder law section at its meeting on September 17, 2019.

- 9) Fiscal impact (on the state): None.

- 10) Are you seeking "fast-track" approval? No.

¹ A "fast track" recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.