



Senate

General Assembly

File No. 157

February Session, 2002

Substitute Senate Bill No. 130

Senate, March 26, 2002

The Committee on Public Health reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING NURSING HOME INSPECTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-521a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective from passage*):

3 [On and after July 1, 1992, the] The Department of Public Health
4 shall, whenever possible, conduct dual inspections of chronic and
5 convalescent nursing homes or rest homes with nursing supervision
6 when an inspection of any such [a] facility is necessary for the purpose
7 of the facility's maintaining state licensure and certification for
8 participation in the Title XIX Medicaid program or the Title XVIII
9 Medicare program, provided such dual inspections shall be conducted
10 [in not less than fifty per cent of such facilities. On and after January 1,
11 1993, the department shall conduct such dual inspections in not less
12 than seventy per cent of such facilities] on a random and unannounced
13 basis.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires inspections of nursing homes conducted by the Department of Public Health to be random and unannounced. The department will be able to accommodate this within its anticipated budgetary resources.

OLR Bill Analysis

sSB 130

AN ACT CONCERNING NURSING HOME INSPECTIONS**SUMMARY:**

This bill requires the Department of Public Health (DPH) dual nursing home inspections to be random and unannounced. Current law requires DPH, whenever possible, to conduct both state and federally required inspections at the same time (1) when required for state licensing and for federal Medicaid or Medicare certification and (2) in at least 70% of the facilities. The bill removes this 70% requirement.

EFFECTIVE DATE: Upon passage

BACKGROUND***Federal Inspection Schedules***

To receive federal Medicare or Medicaid reimbursement, nursing homes must become federally certified and periodically undergo federally-mandated inspections (called surveys under federal law). In Connecticut, DPH conducts these surveys for the federal government under a contract with the federal Center for Medicare and Medicaid Services. The surveys must take place, on average, every 12 months, and the time between inspections cannot be more than 15 months. Federal law prohibits advance notice of the survey to the nursing home and imposes civil penalties on anyone giving the homes advance notice. Federal regulations also require that the surveys be unannounced (42 U.S.C. § 1395i-3(g)(2) and 42 C.F.R. §§ 488.307 and 488.308).

State Requirements

By law, DPH must renew nursing home licenses every two years after an unscheduled inspection and the nursing home's submission to the commissioner of evidence that it is in compliance with state law, as well as other information the commissioner requires. The law generally prohibits DPH employees, Department of Social Services

employees, and regional long-term care ombudsmen from notifying a nursing home that an inspection or other investigation is being considered or about to take place. If they give such notice, they are guilty of a class B misdemeanor and can be dismissed, suspended, or demoted, unless federal or state law specifically requires advance notice. A class B misdemeanor has a penalty of up to six months imprisonment, a fine of up to \$1,000, or both.

COMMITTEE ACTION

Select Committee on Aging

Joint Favorable Change of Reference
Yea 12 Nay 0

Public Health Committee

Joint Favorable Substitute
Yea 25 Nay 0