



# Senate

General Assembly

**File No. 386**

January Session, 2003

Substitute Senate Bill No. 442

*Senate, April 16, 2003*

The Committee on Public Health reported through SEN. MURPHY of the 16th 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 Section 19a-521a of the general statutes is repealed and  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 such a facility is necessary for the purpose of the  
7 facility's maintaining state licensure and certification for participation  
8 in the Title XIX Medicaid program or the Title XVIII Medicare  
9 program, provided such dual inspections shall be conducted in not less  
10 than fifty per cent of such facilities. On and after January 1, 1993, the  
11 department shall conduct such dual inspections in not less than  
12 seventy per cent of such facilities. On and after the effective date of this  
13 section, such dual inspections shall not be predisclosed and shall be  
14 conducted on a random basis, in terms of date, time of day and



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:

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***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 not predisposed. The department will be able to accommodate this within its anticipated budgetary resources.

**OLR Bill Analysis**

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

This bill prohibits prior disclosure of the time and place of Department of Public Health (DPH) dual nursing home inspections. It also requires the inspections to be conducted randomly as to date, time of day, and geographic location of the facilities. Current law, unchanged by the bill, 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.

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 Centers 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 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 is 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 21      Nay 0