



General Assembly

**Substitute Bill No. 728**

January Session, 2003

**AN ACT REQUIRING CRIMINAL BACKGROUND CHECKS FOR NURSING HOME EMPLOYEES.**

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

1 Section 1. Section 19a-491b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Any person who is licensed to establish, conduct, operate or  
4 maintain a nursing home shall notify the Commissioner of Public  
5 Health immediately if the owner, conductor, operator or maintainer of  
6 the home, any person described in subdivision (3) of subsection (a) of  
7 section 19a-491a, [or] any nurse or nurse's aide or any employee,  
8 including a temporary employee, of a nursing home who provides  
9 direct care to a resident of a nursing home has been convicted of (1) a  
10 felony, as defined in section 53a-25, (2) cruelty to persons under section  
11 53-20, or (3) assault of a victim sixty or older under section 53a-61a; or  
12 has been subject to any decision imposing disciplinary action by the  
13 licensing agency in any state, the District of Columbia, a United States  
14 possession or territory or a foreign jurisdiction. As used in this section,  
15 "direct care" means hands-on-care, including, but not limited to,  
16 feeding, bathing, toileting, dressing, lifting and moving of such  
17 residents. Failure to comply with the notification requirement shall  
18 subject the licensed person to a civil penalty of not more than one  
19 hundred dollars.

20 (b) Each nursing home shall require [a] any person described in  
21 subdivision (3) of subsection (a) of section 19a-491a, [or a] any nurse or

22 nurse's aide and any person applying for employment as a provider of  
23 direct care to complete and sign an application form which contains  
24 questions as to whether the person has been convicted of any crime  
25 specified in subsection (a) of this section or has been subject to any  
26 decision imposing disciplinary action as described in said subsection.  
27 Any person seeking employment in a position connected with the  
28 provision of care in a nursing home who makes a false written  
29 statement regarding such prior criminal convictions or disciplinary  
30 action shall be guilty of a Class A misdemeanor.

31 (c) The Commissioner of Public Health shall require each initial  
32 applicant described in subdivision (1) of subsection (a) of section 19a-  
33 491a to submit to state and national criminal history records checks  
34 and each initial applicant for a direct care provider position at a  
35 nursing home to submit to a state criminal history records check. The  
36 criminal history records checks required by this subsection shall be  
37 conducted in accordance with section 29-17a. The cost of the state  
38 criminal history records check for each such direct care provider  
39 applicant required by this subsection shall be paid by the employer.

40 (d) When hiring or continuing the employment of a direct care  
41 provider, each nursing home shall consider the level and seriousness  
42 of any crime revealed from the results of the criminal background  
43 check required under this section in addition to the following factors:  
44 (1) When such crime occurred, (2) the age of the applicant at the time  
45 of conviction, (3) circumstances surrounding the crime, (4) the  
46 relationship between the crime and the applicant's job duties, and (5)  
47 the applicant's criminal and corrections record since such crime.

This act shall take effect as follows:	
Section 1	October 1, 2003

**APP** Joint Favorable Subst.