



General Assembly

Substitute Bill No. 901

January Session, 2003

**AN ACT CONCERNING REPORTS OF SUSPECTED ABUSE,
NEGLECT, EXPLOITATION OR ABANDONMENT OF ELDERLY
PERSONS OR PERSONS IN LONG-TERM CARE FACILITIES.**

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

1 Section 1. Section 17b-407 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Any physician or surgeon licensed under the provisions of
4 chapter 370, any resident physician or intern in any hospital in this
5 state, whether or not so licensed, and any registered nurse, licensed
6 practical nurse, medical examiner, dentist, optometrist, chiropractor,
7 podiatrist, social worker, clergyman, police officer, pharmacist,
8 physical therapist, long-term care facility administrator, nurse's aide or
9 orderly in a long-term care facility, any person paid for caring for a
10 patient in a long-term care facility, any staff person employed by a
11 long-term care facility and any person who is a sexual assault
12 counselor or a battered women's counselor as defined in section
13 52-146k who has reasonable cause to suspect or believe that a resident
14 in a long-term care facility has been abused, neglected, exploited or
15 abandoned, or is in a condition that is the result of such abuse, neglect,
16 exploitation or abandonment, shall, [within five calendar days] not
17 later than seventy-two hours after such suspicion or belief arose, report
18 such information or cause a report to be made in any reasonable
19 manner to the Commissioner of Social Services pursuant to chapter

20 319dd. Any person required to report under the provision of this
21 section who fails to make such report within the prescribed time
22 period shall be [fined not more than five hundred dollars] guilty of a
23 class C misdemeanor for the first offense and a class A misdemeanor
24 for any subsequent offense.

25 (b) Such report shall contain the name and address of the long-term
26 care facility, the name of the involved resident, information regarding
27 the nature and extent of the abuse, neglect, exploitation or
28 abandonment and any other information which the reporter believes
29 might be helpful in an investigation of the case and for the protection
30 of the resident.

31 (c) Any other person having reasonable cause to believe that a
32 resident in a long-term care facility is being, or has been, abused,
33 neglected, exploited or abandoned, or any person who wishes to file
34 any other complaint regarding a long-term care facility, shall report
35 such information in accordance with subsection (b) of this section in
36 any reasonable manner to the Commissioner of Social Services who
37 shall inform the resident of the services of the Office of the Long-Term
38 Care Ombudsman.

39 (d) Such report or complaint shall not be deemed a public record,
40 and shall not be subject to the provisions of section 1-210. Information
41 derived from such reports or complaints for which reasonable grounds
42 are determined to exist after investigation as provided for in section
43 17b-408, as amended by this act, including the identity of the long-term
44 care facility, the number of complaints received, the number of
45 complaints substantiated and the types of complaints, may be
46 disclosed by the Commissioner of Social Services, except that in no
47 case shall the name of the resident or the complainant be revealed,
48 unless such person specifically requests such disclosure or unless a
49 judicial proceeding results from such report or complaint.

50 (e) [Anyone] Any person who makes a report or complaint pursuant
51 to this section or who testifies in any administrative or judicial

52 proceeding arising from the report shall be immune from any civil or
53 criminal liability on account of such report or complaint or testimony,
54 except for liability for perjury, unless such person acted in bad faith or
55 with malicious purpose.

56 (f) Any person who is discharged or in any manner discriminated or
57 retaliated against for making, in good faith, a report or complaint
58 pursuant to this section shall be entitled to all remedies available
59 under law including, but not limited to, remedies available under
60 sections 19a-532 and 31-51m, as applicable.

61 [(f)] (g) The person filing a report or complaint pursuant to the
62 provisions of this section shall be notified of the findings of any
63 investigation conducted by the Commissioner of Social Services, upon
64 request.

65 [(g)] (h) The Commissioner of Social Services shall maintain a
66 registry of the reports received, the investigations made, the findings
67 and the actions recommended and taken.

68 Sec. 2. Section 17b-408 of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective October 1, 2003*):

70 Upon receipt of a report or complaint as provided in section
71 17b-407, as amended by this act, the commissioner shall determine
72 immediately whether there are reasonable grounds for an
73 investigation. If it is determined that reasonable grounds do not exist
74 for an investigation, the complainant or the person making the report
75 shall be notified of this determination [within] not later than five
76 working days after the receipt of such complaint or report. If such
77 reasonable grounds are found, the commissioner shall investigate such
78 report or complaint [within] not later than ten working days thereafter.
79 The commissioner shall complete an investigation and make a report
80 of the findings [, within] not later than fifteen working days after the
81 receipt of the complaint or report. If the investigation indicates that
82 there is a possible violation of section 19a-533, 19a-535 [,] or 19a-537,
83 the commissioner shall refer the report or complaint together with a

84 report of any investigation the commissioner has undertaken to the
85 Department of Public Health for action as appropriate. If the
86 investigation indicates that there is a possible violation of the
87 provisions of the Public Health Code with respect to licensing
88 requirements, the commissioner shall refer the report or complaint,
89 together with a report of the commissioner's investigation, to the
90 Commissioner of Public Health for appropriate action. If no violation
91 of the Public Health Code is indicated, the commissioner shall take
92 whatever action the commissioner deems necessary, and shall notify
93 the complainant or the person making the report, of the action taken
94 [within] not later than fifteen working days after receipt of the
95 complaint or report. If the investigation indicates that a person has
96 abused, neglected, exploited or abandoned a resident in a long-term
97 care facility, the commissioner shall refer such information in writing
98 to the Chief State's Attorney or the Chief State's Attorney's designee
99 who shall conduct such further investigation, if any, as deemed
100 necessary and shall determine whether criminal proceedings should be
101 initiated against such person in accordance with applicable state law.

102 Sec. 3. Section 17b-451 of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective October 1, 2003*):

104 (a) Any physician or surgeon licensed under the provisions of
105 chapter 370, any resident physician or intern in any hospital in this
106 state, whether or not so licensed, any registered nurse, any nursing
107 home administrator, nurse's aide or orderly in a nursing home facility,
108 any person paid for caring for a patient in a nursing home facility, any
109 staff person employed by a nursing home facility, any patients'
110 advocate and any licensed practical nurse, medical examiner, dentist,
111 optometrist, chiropractor, podiatrist, social worker, clergyman, police
112 officer, pharmacist, psychologist or physical therapist, who has
113 reasonable cause to suspect or believe that any elderly person has been
114 abused, neglected, exploited or abandoned, or is in a condition which
115 is the result of such abuse, neglect, exploitation or abandonment, or
116 who is in need of protective services, shall, [within five calendar days]
117 not later than seventy-two hours after such suspicion or belief arose,

118 report such information or cause a report to be made in any reasonable
119 manner to the Commissioner of Social Services or to the person or
120 persons designated by the commissioner to receive such reports. Any
121 person required to report under the provisions of this section who fails
122 to make such report shall be [fined not more than five hundred
123 dollars] guilty of a class C misdemeanor for the first offense and a class
124 A misdemeanor for any subsequent offense.

125 (b) Such report shall contain the name and address of the involved
126 elderly person, information regarding the nature and extent of the
127 abuse, neglect, exploitation or abandonment, and any other
128 information which the reporter believes might be helpful in an
129 investigation of the case and the protection of such elderly person.

130 (c) Any other person having reasonable cause to suspect or believe
131 that an elderly person is being, or has been, abused, neglected,
132 exploited or abandoned, or who is in need of protective services may
133 report such information in any reasonable manner to the commissioner
134 or the commissioner's designee.

135 (d) Any person who makes any report pursuant to sections 17b-450
136 to 17b-461, inclusive, as amended by this act, or who testifies in any
137 administrative or judicial proceeding arising from such report shall be
138 immune from any civil or criminal liability on account of such report
139 or testimony, except for liability for perjury, unless such person acted
140 in bad faith or with malicious purpose.

141 (e) Any person who is discharged or in any manner discriminated
142 or retaliated against for making, in good faith, a report pursuant to this
143 section shall be entitled to all remedies available under law including,
144 but not limited to, remedies available under sections 19a-532 and 31-
145 51m, as applicable.

146 [(e)] (f) For the purposes of sections 17b-450 to 17b-461, inclusive, as
147 amended by this act, the treatment of any elderly person by a Christian
148 Science practitioner, in lieu of treatment by a licensed practitioner of
149 the healing arts, or the refusal of treatment by an elderly person for

150 religious reasons shall not of itself constitute grounds for the
151 implementation of protective services.

152 Sec. 4. Section 17b-460 of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective October 1, 2003*):

154 If as a result of any investigation initiated under the provisions of
155 sections 17b-450 to 17b-461, inclusive, as amended by this act, a
156 determination is made that a caretaker or other person has abused,
157 neglected, exploited or abandoned an elderly person, such information
158 shall be referred in writing to the [appropriate office of the state's
159 attorney, which] Chief State's Attorney or the Chief State's Attorney's
160 designee who shall conduct such further investigation, if any, [is] as
161 deemed necessary and shall determine whether criminal proceedings
162 should be initiated against such caretaker or other person, in
163 accordance with applicable state law.

164 Sec. 5. Subsection (b) of section 51-164n of the general statutes is
165 repealed and the following is substituted in lieu thereof (*Effective*
166 *October 1, 2003*):

167 (b) Notwithstanding any provision of the general statutes to the
168 contrary, any person who is alleged to have committed (1) a violation
169 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-
170 41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350,
171 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292,
172 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of
173 section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-
174 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-
175 140, 13a-143b, 13a-247, 13a-253, subsection (f) of section 13b-42, section
176 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b,
177 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
178 subsection (d) of section 14-12, section 14-20a, 14-27a, subsection (e) of
179 section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-
180 50a, 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b, 14-
181 67a, subsection (f) of section 14-80h, section 14-97a, section 14-100b, 14-

182 103a, 14-106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first violation
183 as specified in subsection (f) of section 14-164i, section 14-219 specified
184 in subsection (e) of said section, section 14-240, 14-249, 14-250,
185 subsection (a), (b) or (c) of section 14-261a, section 14-262, 14-264, 14-
186 267a, 14-269, 14-270, 14-275a, 14-278, 14-279, subsection (e) of section
187 14-283, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-326,
188 14-330, 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-
189 33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15, 16a-
190 22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-
191 149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, [17b-407, 17b-
192 451,] 17b-734, subsection (b) of section 17b-736, 19a-30, 19a-33, 19a-39,
193 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-
194 107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-
195 301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-
196 502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265, 20-324e, subsection (a)
197 of section 20-341, section 20-341i, 20-597, 20-608, 20-610, 21-30, 21-38,
198 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26, 21a-30,
199 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-77,
200 subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 21a-
201 201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37,
202 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61,
203 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-
204 320h, 22-324a, 22-326, 22-342, subsection (b) or (e) of section 22-344,
205 section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a, 22a-246,
206 subsection (a) of section 22a-250, subsection (e) of section 22a-256h,
207 section 22a-449, 22a-461, 23-37, 23-38, 23-46, 23-61b, subsection (a) or
208 (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-
209 40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117,
210 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227,
211 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-161b, 29-198, 29-210, 29-
212 243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10,
213 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28,
214 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-
215 52, 31-52a, 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-
216 74, 31-75, 31-76, 31-76a, 31-89b, 31-134, subsection (g) of section 31-273,

217 section 31-288, 36a-787, 42-230, 45a-450, 45a-634, 45a-658, subdivision
218 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-
219 34a, 47-47, 49-8a, 49-16, 53-133, subsection (a) or (b) of section 53-211,
220 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-
221 321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the
222 provisions of chapter 268, or (3) a violation of any regulation adopted
223 in accordance with the provisions of section 12-484, 12-487 or 13b-410,
224 shall follow the procedures set forth in this section.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>

JUD *Joint Favorable Subst.*

HS *Joint Favorable*