



General Assembly

**Amendment**

January Session, 2003

LCO No. 6601

\*SB0114606601SD0\*

Offered by:

SEN. MURPHY, 16<sup>th</sup> Dist.

SEN. NEWTON, 23<sup>rd</sup> Dist.

SEN. PETERS, 20<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1146

File No. 416

Cal. No. 279

**"AN ACT CONCERNING PATIENT ROOMS IN NURSING HOME FACILITIES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2003*) (a) As used in this  
4 section: (1) "Discriminate" and "discriminatory treatment" with regard  
5 to an employee of a health care facility includes discharge, demotion,  
6 suspension, or any other detrimental changes in terms or conditions of  
7 employment, or the threat of any such actions; and (2) "health care  
8 facility" has the same meaning as in section 19a-630 of the general  
9 statutes.

10 (b) No health care facility shall discriminate or retaliate in any  
11 manner against an employee of such facility because the employee  
12 submitted a complaint or initiated or cooperated in an investigation by  
13 or proceeding before a governmental entity relating to the care or

14 services by, or the conditions in, such facility.

15 (c) A health care facility that violates subsection (b) of this section  
16 shall reinstate the employee and reimburse the employee for lost  
17 wages, lost work benefits, and any reasonable legal costs incurred by  
18 the employee in pursuing the employee's rights under this section.

19 (d) The provisions and remedies under this section are not exclusive  
20 and are in addition to any other provisions and remedies in any  
21 section of the general statutes or which are available under common  
22 law.

23 Sec. 502. Section 31-400 of the general statutes is repealed and the  
24 following is substituted in lieu thereof (*Effective October 1, 2003*):

25 (a) In the event of recognition of a health emergency, suggested  
26 disease cluster or imminent hazard, the Commissioner of Public  
27 Health and the Labor Commissioner, upon their own initiative or upon  
28 notice from an occupational health clinic, [or] auxiliary occupational  
29 health clinic or employer, may initiate site-specific hazard evaluations,  
30 industry-wide epidemiologic and industrial hygiene studies or other  
31 surveillance activities. Such investigatory studies or surveillance shall  
32 be conducted in full cooperation with local public health officials.

33 (b) Based on the results of such hazard evaluations, studies or  
34 surveillance activities, the Commissioner of Public Health and the  
35 Labor Commissioner shall recommend to an employer measures  
36 intended to reduce the risk of death, disability, injury or harm from  
37 such health emergency, disease cluster or imminent hazard.

38 (c) In the event such recommendations are made, the employer shall  
39 immediately notify all employees at potential risk from such health  
40 emergency, disease cluster or imminent hazard. Notification shall also  
41 be sent to the Commissioner of Public Health and the Labor  
42 Commissioner, and shall include available information about: (1) The  
43 nature of the health emergency, disease cluster or imminent hazard; (2)  
44 the level at which exposure is determined to be hazardous, if known;

45 (3) the potential acute and chronic effects of exposure at hazardous  
46 levels; (4) the symptoms of such effects; (5) appropriate emergency  
47 treatment; (6) the precautions being taken by the employer; and (7)  
48 precautions that should be taken by employees.

49 (d) No notification made pursuant to the provisions of this section  
50 shall be admissible as evidence of the facts therein stated in any action  
51 at law or in any action under the Workers' Compensation Act against  
52 the employer making such notification. Any employer who fails to  
53 make a notification required by this section, or who knowingly  
54 supplies false information, may be assessed a civil penalty of not more  
55 than one thousand dollars for each such violation."