



General Assembly

February Session, 2004

Raised Bill No. 14

LCO No. 424

00424_____AGE

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR NURSING HOME EMPLOYEES AND VOLUNTEERS WHO PROVIDE DIRECT CARE TO RESIDENTS.

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 Section 19a-491b of the general statutes is repealed and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, 2004*):

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 other direct care
8 provider has been convicted of (1) a felony, as defined in section 53a-
9 25, (2) cruelty to persons under section 53-20, or (3) assault of a victim
10 sixty or older under section 53a-61a; or has been subject to any
11 decision imposing disciplinary action by the licensing agency in any
12 state, the District of Columbia, a United States possession or territory
13 or a foreign jurisdiction. Failure to comply with the notification
14 requirement shall subject the licensed person to a civil penalty of not
15 more than one hundred dollars. As used in this section, "direct care

16 provider" means an employee or a volunteer who provides hands-on-
17 care, including, but not limited to, feeding, bathing, toileting, dressing,
18 lifting and moving of a nursing home resident. "Direct care provider"
19 includes, but is not limited to, a temporary employee.

20 (b) Each nursing home shall require [a] each person described in
21 subdivision (3) of subsection (a) of section 19a-491a, [or a] and each
22 nurse, [or] nurse's aide or other direct care provider to complete and
23 sign an application form which contains questions as to whether the
24 person has been convicted of any crime specified in subsection (a) of
25 this section or has been subject to any decision imposing disciplinary
26 action as described in said subsection. Any person seeking
27 employment, [in a position connected with the provision of care] or
28 seeking to volunteer, in a nursing home as a direct care provider who
29 makes a false written statement regarding such prior criminal
30 convictions or disciplinary action shall be guilty of a Class A
31 misdemeanor.

32 (c) The Commissioner of Public Health shall require (1) each initial
33 applicant described in subdivision (1) of subsection (a) of section 19a-
34 491a to submit to state and national criminal history records checks,
35 and (2) each initial applicant or volunteer for a direct care provider
36 position at a nursing home to submit to a state criminal history records
37 check. The criminal history records checks required by this subsection
38 shall be conducted in accordance with section 29-17a. The cost of the
39 state criminal history records check for each such direct care provider
40 applicant or volunteer required by this subsection shall be paid by the
41 employer.

42 (d) If a nursing home receives notice of a state criminal history
43 record concerning a current or prospective direct care provider, the
44 nursing home shall make its determination concerning the provider
45 based on: (1) The level and seriousness of the crime; (2) when the crime
46 was committed; (3) the age of the applicant at the time the crime was
47 committed; (4) the circumstances surrounding the crime; (5) the

48 relationship between the crime and the applicant's duties as a direct
49 care provider; and (6) the applicant's criminal and corrections record
50 since the crime.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

Statement of Purpose:

To require certain mandatory reporting concerning the state criminal backgrounds of persons who provide direct patient care in nursing homes, including, but not limited to, temporary employees and volunteers, and to establish criteria that a nursing home shall consider when determining whether to hire or retain an employee or volunteer with a state criminal history record.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]