



General Assembly

February Session, 2004

**Raised Bill No. 14**

LCO No. 424

\* \_\_\_\_\_SB00014AGEPH022004\_\_\_\_\_\*

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 Section 19a-491b of the general statutes is repealed and  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>

**AGE**

*Joint Favorable C/R*

PH