



Substitute House Bill No. 6715

Public Act No. 05-172

AN ACT CONCERNING STRIKE CONTINGENCY PLANS FOR HEALTH CARE INSTITUTIONS.

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

Section 1. Section 19a-497 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) [Any] Each institution shall, upon receipt of a notice of intention to strike by a labor organization representing the employees of such institution, in accordance with the provisions of the National Labor Relations Act, 29 USC 158, [immediately] file a strike contingency plan with the commissioner not later than five days before the date indicated for the strike. [The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish requirements for such plan.]

(b) The commissioner may issue a summary order to any nursing home facility, as defined in section 19a-521, that fails to file a strike contingency plan that complies with the provisions of this section and the regulations adopted by the commissioner pursuant to this section within the specified time period. Such order shall require the nursing home facility to immediately file a strike contingency plan that complies with the provisions of this section and the regulations

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adopted by the commissioner pursuant to this section.

(c) Any nursing home facility that is in noncompliance with this section shall be subject to a civil penalty of not more than ten thousand dollars for each day of noncompliance.

(d) (1) If the commissioner determines that a nursing home facility is in noncompliance with this section or the regulations adopted pursuant to this section, for which a civil penalty is authorized by subsection (c) of this section, the commissioner may send to an authorized officer or agent of the nursing home facility, by certified mail, return receipt requested, or personally serve upon such officer or agent, a notice that includes: (1) A reference to this section or the section or sections of the regulations involved; (2) a short and plain statement of the matters asserted or charged; (3) a statement of the maximum civil penalty that may be imposed for such noncompliance; and (4) a statement of the party's right to request a hearing to contest the imposition of the civil penalty.

(2) A nursing home facility may make written application for a hearing to contest the imposition of a civil penalty pursuant to this section not later than twenty days after the date such notice is mailed or served. All hearings under this section shall be conducted in accordance with the provisions of chapter 54. If a nursing home facility fails to request a hearing or fails to appear at the hearing or if, after the hearing, the commissioner finds that the nursing home facility is in noncompliance, the commissioner may, in the commissioner's discretion, order that a civil penalty be imposed that is not greater than the penalty stated in the notice. The commissioner shall send a copy of any order issued pursuant to this subsection by certified mail, return receipt requested, to the nursing home facility named in such order.

(e) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54: (1) Establishing requirements for a strike

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contingency plan, which shall include, but not be limited to, a requirement that the plan contain documentation that the institution has arranged for adequate staffing and security, food, pharmaceuticals and other essential supplies and services necessary to meet the needs of the patient population served by the institution in the event of a strike; and (2) for purposes of the imposition of a civil penalty upon a nursing home facility pursuant to subsections (c) and (d) of this section.

(f) Such plan shall be deemed a statement of strategy or negotiation with respect to collective bargaining for the purpose of subdivision (9) of subsection (b) of section 1-210.

Approved July 1, 2005