



General Assembly

Substitute Bill No. 6715

January Session, 2005

* _____ HB06715HS _____ 051705 _____ *

AN ACT CONCERNING STRIKE CONTINGENCY PLANS FOR HEALTH CARE INSTITUTIONS.

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

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 Section 19a-497 of the general statutes is repealed and the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

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

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

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

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

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

46 (e) The commissioner shall adopt regulations, in accordance with
47 the provisions of chapter 54: (1) Establishing requirements for a strike
48 contingency plan, which shall include, but not be limited to, a
49 requirement that the plan contain documentation that the institution
50 has arranged for adequate staffing and security, food, pharmaceuticals
51 and other essential supplies necessary to meet the needs of the patient

52 population served by the institution in the event of a strike; and (2) for
53 purposes of the imposition of a civil penalty pursuant to subsections
54 (c) and (d) of this section.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	19a-497

PH *Joint Favorable Subst.*

JUD *Joint Favorable*

LAB *Joint Favorable*

HS *Joint Favorable*