



General Assembly

Substitute Bill No. 968

January Session, 2005

* SB00968FIN 050905 *

AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR NURSING HOME EMPLOYEES 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 Section 19a-491b of the general statutes is repealed and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, 2005*):

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, nursing pool employee or temporary
17 employee who provides hands-on-care, including, but not limited to,
18 feeding, bathing, toileting, dressing, lifting or moving a nursing home
19 resident.

20 (b) Each nursing home shall require [a] each person described in
21 subdivision (3) of subsection (a) of section 19a-491a₂ [or a] nurse₂ [or]
22 nurse's aide or other direct care provider to complete and sign an
23 application form [which] that 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] in a
28 nursing home as a direct care provider who makes a false written
29 statement regarding such prior criminal convictions or disciplinary
30 action shall be guilty of a Class A misdemeanor.

31 (c) The Commissioner of Public Health shall require (1) each initial
32 applicant described in subdivision (1) of subsection (a) of section 19a-
33 491a to submit to state and national criminal history records checks₂
34 and (2) each person offered a position as a direct care provider at a
35 nursing home to submit to a state criminal history records check. The
36 criminal history records checks required by this subsection shall be
37 conducted in accordance with section 29-17a. The cost of a state
38 criminal history records check required by this subsection for a person
39 offered a position as a direct care provider shall be paid by the nursing
40 home.

41 (d) If a nursing home receives notice of a state criminal history
42 record concerning a current or prospective direct care provider, the
43 nursing home shall make its determination concerning such provider
44 based on: (1) The level and seriousness of the crime; (2) when the crime
45 was committed; (3) the age of such provider at the time the crime was
46 committed; (4) the circumstances surrounding the crime; (5) the
47 relationship between the crime and such provider's duties as a direct
48 care provider; and (6) such provider's criminal and corrections record
49 since the crime.

This act shall take effect as follows and shall amend the following sections:

