



General Assembly

February Session, 2006

**Raised Bill No. 5716**

LCO No. 2617

\*02617 \_\_\_\_\_ PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING NURSING HOME AND ALZHEIMER'S CARE.***

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 Section 19a-491b of the general statutes is repealed and  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 July 1, 2006*):

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, as amended, or (3)  
10 assault of a victim sixty or older under section 53a-61a; or has been  
11 subject to any decision imposing disciplinary action by the licensing  
12 agency in any state, the District of Columbia, a United States  
13 possession or territory or a foreign jurisdiction. Failure to comply with  
14 the notification requirement shall subject the licensed person to a civil  
15 penalty of not more than one hundred dollars. As used in this section,  
16 "direct care provider" means an employee, nursing pool employee or  
17 temporary employee who provides hands-on-care, including, but not

18 limited to, feeding, bathing, toileting, dressing, lifting or moving a  
19 nursing home resident.

20 (b) Each nursing home shall require [a] each person described in  
21 subdivision (3) of subsection (a) of section 19a-491a, [or a] nurse, [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 checks,  
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, as amended. The cost of  
38 a state criminal history records check required by this subsection for a  
39 person offered a position as a direct care provider shall be paid by the  
40 nursing 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.

50       Sec. 2. (NEW) (*Effective July 1, 2006*) (a) As used in this section,  
51 "Alzheimer's special care unit or program" means any nursing facility,  
52 residential care home, assisted living facility, adult congregate living  
53 facility, home health agency, as defined in section 19a-490 of the 2006  
54 supplement to the general statutes, adult day care center, hospice or  
55 adult foster home that locks, secures, segregates or provides a special  
56 program or unit for residents with a diagnosis of probable Alzheimer's  
57 disease, dementia or other similar disorder, in order to prevent or limit  
58 access by a resident outside the designated or separated area, and that  
59 advertises or markets the facility as providing specialized care or  
60 services for persons suffering from Alzheimer's disease or dementia.

61       (b) Not later than January 1, 2007, each Alzheimer's special care unit  
62 or program shall disclose to the Commissioner of Public Health, in the  
63 form and manner prescribed by the commissioner pursuant to  
64 subsection (c) of this section, and to any person seeking placement in  
65 the unit or program and to such person's family, the form of care or  
66 treatment provided by the unit or program. Such disclosure shall  
67 explain what additional care and treatment or specialized program  
68 will be provided in the Alzheimer's special care unit or program that is  
69 distinct from the care and treatment required by applicable licensing  
70 rules and regulations, including, but not limited to:

71       (1) Philosophy. A written statement of the overall philosophy and  
72 mission of the Alzheimer's special care unit or program that reflects  
73 the needs of residents with Alzheimer's disease, dementia or other  
74 similar disorders.

75       (2) Preadmission, admission and discharge. The process and criteria  
76 for placement within or transfer or discharge from the Alzheimer's  
77 special care unit or program.

78       (3) Assessment, care planning and implementation. The process  
79 used for assessing and establishing and implementing the plan of care,  
80 including the method by which the plan of care is modified in  
81 response to changes in condition.

82 (4) Staffing patterns and training ratios. The nature and extent of  
83 staff coverage, including staff to patient ratios and staff training and  
84 continuing education..

85 (5) Physical environment. The physical environment and design  
86 features appropriate to support the functioning of cognitively  
87 impaired adult residents.

88 (6) Residents' activities. The frequency and types of resident  
89 activities.

90 (7) Family role in care. The involvement of families and family  
91 support programs.

92 (8) Program costs. The cost of care and any additional fees.

93 (c) The Department of Public Health shall develop a standard  
94 disclosure form for compliance with subsection (b) of this section and  
95 shall review and verify the accuracy of the information provided by  
96 Alzheimer's special care units or programs. Each Alzheimer's special  
97 care unit or program shall notify the department of any significant  
98 changes to the information reported pursuant to subsection (b) of this  
99 section not later than thirty days after such change.

100 Sec. 3. (NEW) (*Effective from passage*) Not later than July 1, 2006, the  
101 Commissioner of Public Health shall adopt regulations, in accordance  
102 with chapter 54 of the general statutes, establishing training  
103 requirements for all staff who provide direct patient care to residents  
104 enrolled in Alzheimer's special care units or programs. Such  
105 requirements shall include, but not be limited to, (1) not less than six  
106 hours of dementia-specific training, which shall be completed not later  
107 than six months after the date of employment, and (2) not less than  
108 three hours of such training annually thereafter.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>July 1, 2006</i>	19a-491b
Sec. 2	<i>July 1, 2006</i>	New section
Sec.	<i>from passage</i>	New section

***Statement of Purpose:***

To require anyone offered a position as a direct care provider in a nursing home to submit to a state criminal history record check, to protect consumers seeking special care services for Alzheimer's disease and to establish Alzheimer's training requirements for direct care staff in Alzheimer's special care units or programs.

*[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.]*