



General Assembly

**Substitute Bill No. 5716**

February Session, 2006

\*        HB05716PH        032006        \*

**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 Section 19a-491b of the general statutes is repealed and  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 October 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 October 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, adult day care center, hospice or adult foster home that locks,  
54 secures, segregates or provides a special program or unit for residents  
55 with a diagnosis of probable Alzheimer's disease, dementia or other  
56 similar disorder, in order to prevent or limit access by a resident  
57 outside the designated or separated area, and that advertises or  
58 markets the facility as providing specialized care or services for  
59 persons suffering from Alzheimer's disease or dementia.

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

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

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

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

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

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

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	19a-491b
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>from passage</i>	New section

**PH**      *Joint Favorable Subst.*