



General Assembly

January Session, 2007

Amendment

LCO No. 7804

SB0011607804SD0

Offered by:

SEN. DOYLE, 9th Dist.

REP. SERRA, 33rd Dist.

SEN. PRAGUE, 19th Dist.

To: Subst. Senate Bill No. 116

File No. 438

Cal. No. 348

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING OVERSIGHT OF ASSISTED LIVING RESIDENCES BY THE DEPARTMENT OF PUBLIC HEALTH."

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- 1 In section 1, strike subdivision (8) in its entirety
- 2 Strike subdivision (2) of subsection (a) of section (2) in its entirety
- 3 and substitute the following in lieu thereof:
- 4 "(2) Afford residents the ability to access services provided by an
- 5 assisted living services agency. Such services shall be provided in
- 6 accordance with a service plan developed in accordance with section 7
- 7 of this act;"
- 8 Strike subsections (a) and (b) of section 4 in their entirety and
- 9 substitute the following in lieu thereof:
- 10 "(a) The Department of Public Health shall conduct biennial reviews

11 of all managed residential communities. Biennial reviews conducted
12 by the department in accordance with the provisions of this section,
13 shall be in addition to, and not in lieu of, any inspections of such
14 communities by state or local officials to ensure compliance with the
15 Public Health Code, the State Building Code, the State Fire Code or
16 any local zoning ordinance. In addition to the biennial review, the
17 department may conduct at any time a review of a managed
18 residential community when the department has probable cause to
19 believe that a managed residential community is operating in violation
20 of the provisions of sections 1 to 9, inclusive, of this act, the regulations
21 adopted pursuant to section 9 of this act, or any other regulation
22 applicable to managed residential communities, including the Public
23 Health Code. The purpose of any biennial or investigatory review shall
24 be to ensure that a managed residential community is operating in
25 compliance with the provisions of sections 1 to 9, inclusive, of this act,
26 the regulations adopted pursuant to section 9 of this act or any other
27 regulation applicable to managed residential communities, including
28 the Public Health Code. A biennial review shall include: (1) An
29 inspection of all common areas of the managed residential community,
30 including any common kitchen or meal preparation area located
31 within the community; and (2) an inspection of private residential
32 units, but only if prior to such inspection the residents occupying such
33 units provide written consent to the inspection. In the course of
34 conducting a biennial or investigatory review, an inspector may
35 interview any manager, staff member or resident of the managed
36 residential community. Interviews with any resident shall require the
37 consent of the resident, be confidential and shall be conducted
38 privately.

39 (b) The department shall establish an administrative procedure for
40 the preparation, completion and transmittal of written reports
41 prepared as part of any review undertaken pursuant to this section or
42 section 3 of this act. If after undertaking any such review the
43 department determines that a managed residential community is in
44 violation of the provisions of sections 1 to 9, inclusive, of this act, the

45 department shall provide written notice of its determination of an
46 alleged violation to the managed residential community. Such written
47 notice shall advise the managed residential community of its right to
48 request an administrative hearing in accordance with sections 4-176e to
49 4-181a, inclusive, of the general statutes to contest such determination.
50 A managed residential community shall request such hearing, in
51 writing, not later than fifteen days after the date of receipt of the notice
52 of an alleged violation from the department. The department may
53 issue such remedial orders as deemed necessary by the department to
54 ensure compliance with the provisions of sections 1 to 9, inclusive, of
55 this act. Remedial orders available to the department shall include, but
56 not be limited to, the imposition of a civil penalty against a managed
57 residential community in an amount not to exceed five thousand
58 dollars per violation. The department shall stay the imposition of any
59 remedial order or civil penalty pending the outcome of an
60 administrative hearing. The department shall maintain and make
61 available for public inspection all completed reports, responses from
62 managed residential communities and any remedial orders issued in
63 accordance with the provisions of this section."

64 Strike subdivision (4) of subsection (a) of section 5 in its entirety and
65 substitute the following in lieu thereof:

66 "(4) Retain and use one's own personal property within a private
67 residential unit so as to maintain individuality and personal dignity
68 provided the use of personal property does not infringe on the rights
69 of other residents or threaten the health, safety and welfare of other
70 residents;"

71 Strike subdivision (12) of subsection (a) of section 5 in its entirety
72 and substitute the following in lieu thereof:

73 "(12) Confidential treatment of all records and communications to
74 the extent required by state and federal law;"

75 Strike subdivision (9) of section 8 in its entirety and substitute the
76 following in lieu thereof:

77 "(9) Any adopted rules of the managed residential community
78 reasonably designed to promote the health, safety and welfare of
79 residents."