



General Assembly

January Session, 2009

Raised Bill No. 876

LCO No. 3233

03233 _____ AGE

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

***AN ACT CONCERNING LIABILITY OF NURSING HOME OWNERS FOR
NEGLECT AND ABUSE OF NURSING HOME RESIDENTS AND
CRIMINAL RECORDS CHECKS.***

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

1 Section 1. Section 19a-528a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) For any application of licensure for the acquisition of a nursing
4 home filed after July 1, 2004, any potential nursing home licensee or
5 owner [must] shall submit, in writing, a change in ownership
6 application with respect to the facility for which the change in
7 ownership is sought. The Department of Public Health shall prepare
8 the change in ownership application which shall include the following
9 statement printed in no less than twelve-point boldface type of
10 uniform font on the first page of the application: "NOTICE: Any
11 nursing home licensee or owner, including, but not limited to, an
12 officer, director, trustee, limited partner, managing partner, general
13 partner, or any person having at least a ten per cent ownership interest
14 in the owner, as well as any administrator, assistant administrator,
15 medical director, director of nursing, or assistant director of nursing,

16 may be subject to criminal liability, in addition to civil and
17 administrative sanctions under federal and state law, for the abuse or
18 neglect of a resident of the nursing home perpetrated by an employee
19 of the nursing home." Such application shall also include whether such
20 potential nursing home licensee or owner (1) has had civil penalties
21 imposed through final order of the commissioner in accordance with
22 the provisions of sections 19a-524 to 19a-528, inclusive, or civil
23 penalties imposed pursuant to the statutes or regulations of another
24 state, during a two-year period, (2) has had in any state intermediate
25 sanctions imposed through final adjudication under the Medicare or
26 Medicaid program pursuant to Title XVIII or XIX of the federal Social
27 Security Act, 42 USC 301, as from time to time amended, or (3) has had
28 in any state such potential licensee's or owner's Medicare or Medicaid
29 provider agreement terminated or not renewed. [.] The commissioner
30 shall not approve such application to acquire another nursing home in
31 this state for a period of five years from the date of final order on such
32 civil penalties, final adjudication of such [intermediate] sanctions, or
33 termination or nonrenewal, except for good cause shown.
34 [Notwithstanding, the provisions of this section, the Commissioner of
35 Public Health, may for good cause shown, permit a potential nursing
36 home licensee or owner to acquire another nursing home prior to the
37 expiration of said five-year period.]

38 (b) The Commissioner of Public Health shall require each potential
39 nursing home licensee to submit to a criminal records check.

40 Sec. 2. (NEW) (*Effective October 1, 2009*) Each nursing home facility
41 shall require each applicant for employment in a nursing home facility
42 who will have direct and ongoing contact with residents to submit to a
43 criminal records check.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	19a-528a
Sec. 2	<i>October 1, 2009</i>	New section

Statement of Purpose:

To put nursing home licensees and owners on notice that they may be held criminally liable for abuse or neglect perpetrated by nursing home employees against residents and to require criminal history background checks for certain nursing home facility employees.

[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.]