



General Assembly

February Session, 2010

Raised Bill No. 105

LCO No. 828

* SB00105PH 032510 *

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.**

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 Section 19a-528a of the general statutes is repealed and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, 2010*):

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

39 Sec. 2. (NEW) (*Effective October 1, 2010*) The Department of Public
40 Health shall prepare a notice that includes the following statement
41 printed in no less than eighteen-point boldface type of uniform font:
42 "NOTICE: Any nursing home licensee or owner, including, but not
43 limited to, an officer, director, trustee, limited partner, managing
44 partner, general partner or any person having at least a ten per cent
45 ownership interest in the owner, as well as any administrator, assistant
46 administrator, medical director, director of nursing or assistant
47 director of nursing, may be subject to criminal liability, in addition to
48 civil and administrative sanctions under federal and state law, for the
49 abuse or neglect of a resident of the nursing home perpetrated by an
50 employee of the nursing home." Such notice shall be provided no later

51 than January 1, 2011, to all persons who have been issued a license to
52 establish, conduct, operate or maintain a nursing home in the state by
53 the Department of Public Health as of September 30, 2010.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	19a-528a
Sec. 2	<i>October 1, 2010</i>	New section

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Joint Favorable C/R

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