



House of Representatives

General Assembly

File No. 522

January Session, 2011

Substitute House Bill No. 6546

House of Representatives, April 13, 2011

The Committee on Public Health reported through REP. RITTER, E. of the 38th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO HOME HEALTH CARE STATUTES.

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

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) As used in this
2 section:

3 (1) "Home health care agency" has the same meaning as provided in
4 subsection (d) of section 19a-490 of the general statutes, as amended by
5 this act; and

6 (2) "Registered nurse" means a person licensed to practice nursing in
7 accordance with the provisions of subsection (a) of section 20-87a of
8 the general statutes.

9 (b) A registered nurse, who is employed by a home health care
10 agency, may provide in-home training to a privately-hired, unlicensed
11 caregiver or personal care assistant. Such training shall be provided in
12 the home of the person who has hired the unlicensed caregiver or

13 personal care attendant. All subject matters covered in such training
14 shall be contained in a written document that is signed by the
15 registered nurse and the unlicensed care giver or personal care
16 attendant. A registered nurse who provides such training shall not be
17 held civilly liable for injuries that are alleged to have been caused by
18 an unlicensed caregiver or personal care attendant trained by such
19 nurse when the unlicensed caregiver or personal care attendant: (1)
20 Did not execute the specific instructions of the registered nurse; or (2)
21 performs tasks and functions that exceed the scope of training
22 provided by the registered nurse. Nothing in this section shall be
23 construed to require a registered nurse who provides in-home training
24 pursuant to this section to be responsible for overseeing the activities
25 of the unlicensed care giver or personal care attendant who is the
26 beneficiary of such training.

27 Sec. 2. Section 19a-490 of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2011*):

29 As used in this chapter and sections 17b-261e, 38a-498b and 38a-
30 525b:

31 (a) "Institution" means a hospital, residential care home, health care
32 facility for the handicapped, nursing home, rest home, home health
33 care agency, homemaker-home health aide agency, mental health
34 facility, assisted living services agency, substance abuse treatment
35 facility, outpatient surgical facility, an infirmary operated by an
36 educational institution for the care of students enrolled in, and faculty
37 and employees of, such institution; a facility engaged in providing
38 services for the prevention, diagnosis, treatment or care of human
39 health conditions, including facilities operated and maintained by any
40 state agency, except facilities for the care or treatment of mentally ill
41 persons or persons with substance abuse problems; and a residential
42 facility for the mentally retarded licensed pursuant to section 17a-227
43 and certified to participate in the Title XIX Medicaid program as an
44 intermediate care facility for the mentally retarded;

45 (b) "Hospital" means an establishment for the lodging, care and

46 treatment of persons suffering from disease or other abnormal physical
47 or mental conditions and includes inpatient psychiatric services in
48 general hospitals;

49 (c) "Residential care home", "nursing home" or "rest home" means an
50 establishment which furnishes, in single or multiple facilities, food and
51 shelter to two or more persons unrelated to the proprietor and, in
52 addition, provides services which meet a need beyond the basic
53 provisions of food, shelter and laundry;

54 (d) "Home health care agency" means a public or private
55 organization, or a subdivision thereof, engaged in providing
56 professional nursing services and the following services, available
57 twenty-four hours per day, in the patient's home or a substantially
58 equivalent environment: Homemaker-home health aide services as
59 defined in this section, physical therapy, speech therapy, occupational
60 therapy or medical social services. The agency shall provide
61 professional nursing services and at least one additional service
62 directly and all others directly or through contract. An agency shall be
63 available to enroll new patients seven days a week, twenty-four hours
64 per day;

65 (e) "Homemaker-home health aide agency" means a public or
66 private organization, except a home health care agency, which
67 provides in the patient's home or a substantially equivalent
68 environment supportive services which may include, but are not
69 limited to, assistance with personal hygiene, dressing, feeding and
70 incidental household tasks essential to achieving adequate household
71 and family management. Such supportive services shall be provided
72 under the supervision of a registered nurse and, if such nurse
73 determines appropriate, shall be provided by a social worker, physical
74 therapist, speech therapist or occupational therapist. Such supervision
75 may be provided directly or through contract;

76 [(f) "Homemaker-home health aide services" as defined in this
77 section shall not include services provided to assist individuals with
78 activities of daily living when such individuals have a disease or

79 condition that is chronic and stable as determined by a physician
80 licensed in the state of Connecticut;]

81 [(g)] (f) "Mental health facility" means any facility for the care or
82 treatment of mentally ill or emotionally disturbed persons, or any
83 mental health outpatient treatment facility that provides treatment to
84 persons sixteen years of age or older who are receiving services from
85 the Department of Mental Health and Addiction Services, but does not
86 include family care homes for the mentally ill;

87 [(h)] (g) "Alcohol or drug treatment facility" means any facility for
88 the care or treatment of persons suffering from alcoholism or other
89 drug addiction;

90 [(i)] (h) "Person" means any individual, firm, partnership,
91 corporation, limited liability company or association;

92 [(j)] (i) "Commissioner" means the Commissioner of Public Health;
93 and

94 [(k) "Home health agency" means an agency licensed as a home
95 health care agency or a homemaker-home health aide agency; and]

96 [(l)] (j) "Assisted living services agency" means an agency that
97 provides, among other things, nursing services and assistance with
98 activities of daily living to a population that is chronic and stable.

99 Sec. 3. Subsection (a) of section 19a-493 of the general statutes is
100 repealed and the following is substituted in lieu thereof (*Effective*
101 *October 1, 2011*):

102 (a) Upon receipt of an application for an initial license, the
103 Department of Public Health, subject to the provisions of section 19a-
104 491a, shall issue such license if, upon conducting a scheduled
105 inspection and investigation, the department finds that the applicant
106 and facilities meet the requirements established under section 19a-495,
107 provided a license shall be issued to or renewed for an institution, as
108 defined in subsection (d) [, (e) or (f)] or (e) of section 19a-490, as

109 amended by this act, only if such institution is not otherwise required
110 to be licensed by the state. If an institution, as defined in [subsections]
111 subsection (b), (d) [, (e) and (f)] or (e) of section 19a-490, as amended by
112 this act, applies for license renewal and has been certified as a provider
113 of services by the United States Department of Health and Human
114 Services under Medicare or Medicaid programs within the
115 immediately preceding twelve-month period, or if an institution, as
116 defined in subsection (b) of section 19a-490, as amended by this act, is
117 currently certified, the commissioner or the commissioner's designee
118 may waive on renewal the inspection and investigation of such facility
119 required by this section and, in such event, any such facility shall be
120 deemed to have satisfied the requirements of section 19a-495 for the
121 purposes of licensure. Such license shall be valid for two years or a
122 fraction thereof and shall terminate on March thirty-first, June
123 thirtieth, September thirtieth or December thirty-first of the
124 appropriate year. A license issued pursuant to this chapter, unless
125 sooner suspended or revoked, shall be renewable biennially (1) after
126 an unscheduled inspection is conducted by the department, and (2)
127 upon the filing by the licensee, and approval by the department, of a
128 report upon such date and containing such information in such form
129 as the department prescribes and satisfactory evidence of continuing
130 compliance with requirements established under section 19a-495. In
131 the case of an institution, as defined in subsection (d) of section 19a-
132 490, as amended by this act, that is also certified as a provider under
133 the Medicare program, the license shall be issued for a period not to
134 exceed three years, to run concurrently with the certification period.
135 Each license shall be issued only for the premises and persons named
136 in the application and shall not be transferable or assignable. Licenses
137 shall be posted in a conspicuous place in the licensed premises.

138 Sec. 4. Subdivision (6) of subsection (b) of section 19a-638 of the
139 general statutes is repealed and the following is substituted in lieu
140 thereof (*Effective October 1, 2011*):

141 (6) Home health care agencies or homemaker-home health aide
142 agencies, as defined in section 19a-490, as amended by this act;

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	19a-490
Sec. 3	<i>October 1, 2011</i>	19a-493(a)
Sec. 4	<i>October 1, 2011</i>	19a-638(b)(6)

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which allows registered nurses to provide in-home training to certain individuals and revises home health care related statutes, does not result in a fiscal impact to the Department of Public Health.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6546*****AN ACT CONCERNING REVISIONS TO HOME HEALTH CARE STATUTES.*****SUMMARY:**

This bill allows a licensed registered nurse (RN) employed by a home health care agency to provide in-home training to a privately hired, unlicensed caregiver or personal care assistant (PCA). The training must be provided in the home of the person who hired the unlicensed caregiver or PCA. The RN and unlicensed caregiver or PCA must jointly sign a document (presumably prepared by the RN) containing the subjects the training will cover.

The bill specifies that the RN providing the training is not civilly liable for any injury alleged to have been caused by an unlicensed caregiver or PCA the RN trained if the unlicensed caregiver or PCA (1) did not execute the RN's specific instructions or (2) performed tasks and functions outside the training's scope. It specifically provides that an RN who provides this training is not responsible for overseeing the trainees' activities.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/28/2011)