



General Assembly

January Session, 2011

Committee Bill No. 5632

LCO No. 3022

03022HB05632LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING THE OPERATION OF A NURSING HOME INVOLVED IN LABOR DISPUTE.

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

1 Section 1. (NEW) (*Effective October 1, 2011*) On or after October 1,
2 2011, whenever a court grants an application for the appointment of a
3 receiver for a nursing home facility as a result of the involvement of
4 the employees of such facility in a labor dispute resulting in a strike or
5 lockout lasting for a period of four or more calendar months, pursuant
6 to section 19a-543 of the general statutes, as amended by this act, such
7 employees shall notify the chairman of the Board of Mediation and
8 Arbitration. Said chairman shall direct a panel of said board to proceed
9 to the locality of the strike or lockout and attempt to resolve the
10 dispute in accordance with section 31-99 of the general statutes.

11 Sec. 2. Section 19a-543 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective October 1, 2011*):

13 The court shall grant an application for the appointment of a
14 receiver for a nursing home facility upon a finding of any of the
15 following: (1) Such facility is operating without a license issued

16 pursuant to this chapter or such facility's license has been suspended
17 or revoked pursuant to section 19a-494; (2) such facility intends to
18 close and adequate arrangements for relocation of its residents have
19 not been made at least thirty days prior to closing; (3) such facility has
20 sustained a serious financial loss or failure which jeopardizes the
21 health, safety and welfare of the patients or there is a reasonable
22 likelihood of such loss or failure; (4) the employees of such facility
23 have been involved in a labor dispute resulting in a strike or lockout at
24 such facility lasting for a period of four or more calendar months; or
25 ~~[(4)]~~ (5) there exists in such facility a condition in substantial violation
26 of the Public Health Code, or any other applicable state statutes, or
27 Title XVIII or XIX of the federal Social Security Act, 42 USC 301, as
28 amended, or any regulation adopted pursuant to such state or federal
29 laws.

30 Sec. 3. Section 19a-549 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2011*):

32 The Superior Court, upon a motion by the receiver or the owner of
33 such facility, may terminate the receivership if it finds that such facility
34 has been rehabilitated so that the violations complained of no longer
35 exist or the labor dispute resulting in a strike or lockout was resolved,
36 or if such receivership was instituted pursuant to subdivision (2) of
37 section 19a-543, as amended by this act, the orderly transfer of the
38 patients has been completed and such facility is ready to be closed.
39 Upon such finding, the court may terminate the receivership and
40 return such facility to its owner. In its termination order the court may
41 include such terms as it deems necessary to prevent the conditions
42 complained of from recurring.

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-543
Sec. 3	<i>October 1, 2011</i>	19a-549

Statement of Purpose:

To allow a court to grant an application for the appointment of a receiver of a nursing home when the employees of such nursing home have been involved in a strike or lockout lasting four or more calendar months, and to direct the chairman of the Board of Mediation and Arbitration to send a panel to help resolve the dispute.

[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.]

Co-Sponsors: REP. O'BRIEN T., 24th Dist.

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