



Senate

General Assembly

File No. 328

February Session, 2012

Substitute Senate Bill No. 176

Senate, April 10, 2012

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING NURSING HOME COMPLIANCE WITH COMFORTABLE AND SAFE TEMPERATURE STANDARDS.

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

1 Section 1. Section 19a-522a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) A chronic and convalescent nursing home or a rest home with
4 nursing supervision may maintain temperatures in resident rooms and
5 other areas used by residents at such facilities at levels that are lower
6 than minimum temperature standards prescribed in the Public Health
7 Code provided temperature levels at such facilities comply with the
8 comfortable and safe temperature standards prescribed under federal
9 law pursuant to 42 CFR 483.15(h)(6). In accordance with section 19a-36,
10 the Commissioner of Public Health shall amend the Public Health
11 Code in conformity with the provisions of this section.

12 (b) If, during an inspection of a chronic and convalescent nursing
13 home or a rest home with nursing supervision pursuant to section 19a-

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:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Social Services, Dept.	GF - Cost	Potential	Potential
Resources of the General Fund	GF - Revenue Gain	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in a cost to the Department of Social Services (DSS) associated with increased Medicaid payments to the extent that nursing facilities make capital repairs or improvements that they otherwise would not have made due to the consent orders required under the bill. State statute currently requires nursing facilities to comply with the comfortable and safe temperature standards prescribed under federal law.

The bill could also result in a revenue gain associated with a civil penalty of not more than \$1,000 per day associated with the violation of such consent orders.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 176*****AN ACT CONCERNING NURSING HOME COMPLIANCE WITH COMFORTABLE AND SAFE TEMPERATURE STANDARDS.*****SUMMARY:**

This bill requires the Department of Public Health (DPH) commissioner to take certain actions if she investigates or inspects a nursing home and finds it to be noncompliant with minimum temperature standards due to an inadequate facility. The commissioner must first require the nursing home owner to sign a consent order assuring that necessary improvements or repairs will be made within a specified timeframe. If the home violates the consent order, she may assess a civil penalty of up to \$1,000 for each day the violation continues.

BACKGROUND***Nursing Home Temperatures***

The Public Health Code requires that areas nursing home residents use have a minimum temperature of 75 degrees Fahrenheit; all other occupied areas must have a temperature of at least 70 degrees. The law allows homes to maintain lower temperatures if they comply with federal “comfortable and safe” temperature standards. Federal regulations, which specify the standards, require nursing homes initially certified after October 2, 1990 to maintain a temperature range of 71-81 degrees Fahrenheit (42 CFR § 483.15(h)(6)).

By law, the DPH commissioner must issue citations and civil penalties to nursing homes for class A or class B violations of any statute or regulation. A class A violation is one that presents an immediate danger of death or serious harm to a nursing home patient; a class B violation is one that presents a probability of death or serious

harm. Under DPH interpretation, a violation of nursing home temperature standards does not rise to these levels of classification.

EFFECTIVE DATE: October 1, 2012

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute Change of Reference

Yea 10 Nay 2 (03/15/2012)

Public Health Committee

Joint Favorable

Yea 26 Nay 0 (03/26/2012)