



General Assembly

February Session, 2012

Raised Bill No. 177

LCO No. 1043

01043_____AGE

Referred to 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 Section 19a-528a of the general statutes is repealed and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, 2012*):

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 shall submit, in writing, a change in ownership application with
6 respect to the facility for which the change in ownership is sought. The
7 Department of Public Health shall prepare the change in ownership
8 application which shall include the following statement printed in no
9 less than eighteen-point boldface type of uniform font on the first page
10 of the application: "NOTICE: Any nursing home licensee or owner,
11 including, but not limited to, an officer, director, trustee, limited
12 partner, managing partner, general partner or any person having at
13 least a ten per cent ownership interest in the owner, as well as any
14 administrator, assistant administrator, medical director, director of
15 nursing or assistant director of nursing, may be subject to criminal
16 liability, in addition to civil and administrative sanctions under federal

17 and state law, for the abuse or neglect of a resident of the nursing
18 home perpetrated by an employee of the nursing home." Such
19 application shall include such information as the Commissioner of
20 Public Health deems necessary and whether such potential nursing
21 home licensee or owner (1) has had three or more civil penalties
22 imposed through final order of the commissioner in accordance with
23 the provisions of sections 19a-524 to 19a-528, inclusive, or civil
24 penalties imposed pursuant to the statutes or regulations of another
25 state, during the two-year period preceding the application, (2) has
26 had in any state sanctions, other than civil penalties of less than twenty
27 thousand dollars, imposed through final adjudication under the
28 Medicare or Medicaid program pursuant to Title XVIII or XIX of the
29 federal Social Security Act, 42 USC 301, as from time to time amended,
30 or (3) has had in any state such potential licensee's or owner's
31 Medicare or Medicaid provider agreement terminated or not renewed.
32 In the event that a potential nursing home licensee or owner's
33 application contains information concerning civil penalties, sanctions,
34 terminations or nonrenewals, as described in this section, the
35 commissioner shall not approve the application to acquire another
36 nursing home in this state for a period of five years from the date of
37 final order on such civil penalties, final adjudication of such sanctions,
38 or termination or nonrenewal, except for good cause shown.

39 Sec. 2. (NEW) (*Effective October 1, 2012*) 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, 2013, 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, 2012.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	19a-528a
Sec. 2	<i>October 1, 2012</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.

[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.]