
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)