



# OLR RESEARCH REPORT

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## **STATUTES USING “NURSING HOME FACILITY” AND “NURSING HOME”**

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You asked us to identify the statutes that use the phrase “nursing home facility” and assess whether those statutes include both nursing homes and residential care homes.

### **SUMMARY**

The statutory definition of the phrase “nursing home facility” includes both nursing homes and residential care homes (RCH), but it appears that in most cases the term is meant only to include nursing homes. This report (1) provides the statutory definition of “nursing home facility,” (2) lists and summarizes those laws that contain the phrase, and (3) includes an assessment of whether a particular law includes both types of facilities.

### **DEFINITION OF “NURSING HOME FACILITY”**

The law defines a “nursing home facility” as:

1. any nursing home or RCH as defined in [CGS § 19a-490](#), which defines both types of facilities, as well as a rest home, as an establishment that furnishes, in single or multiple facilities, food and shelter to two or more persons unrelated to the proprietor and provides services that meet a need beyond the basic provisions of food, shelter, and laundry;

2. any rest home with nursing supervision (RHNS) that provides, in addition to personal care required in an RCH, nursing supervision under a medical director 24 hours per day; or
3. any chronic and convalescent nursing home (CCNH) that provides skilled nursing care under medical supervision and direction to carry out nonsurgical treatment and dietary procedures for chronic diseases, convalescent stages, or acute diseases or injuries.

The law further specifies that this definition applies to the following laws (briefly summarized below), unless the context otherwise requires:

1. [CGS §§ 19a-522](#) to [19a-534](#), inclusive;
2. [CGS §§ 19a-536](#) to [19a-539](#), inclusive;
3. [CGS §§ 19a-550](#) to [19a-554](#), inclusive ([CGS § 19a-521](#)).

### **STATUTES REFERENCING “NURSING HOME FACILITY”**

Table 1 provides (1) a list of the laws whose titles or bodies include the phrase “nursing home facility,” (2) a brief description of each law, (3) an indication of whether the statute contains an explicit reference to [CGS § 19a-521](#), and (4) our assessment as to whether the law is meant to include RCHs.

**TABLE 1: STATUTES CONTAINING THE PHRASE “NURSING HOME FACILITY”**

<b>CGS Citation</b>	<b>Summary</b>	<b>Reference to <a href="#">CGS § 19a-521</a></b>	<b>Applicability to RCHs</b>
<a href="#">§§ 12-170b &amp; -170aa</a>	Circuit breaker property tax exemption—relates to income of the spouse of applicant	No	Appears to apply only to nursing homes since it refers to the income of residents receiving Medicaid
<a href="#">§ 12-170v</a>	Municipal option property tax exemption—relates to income of the spouse of the applicant	No	Same as above
<a href="#">§ 17b-262</a>	Authority for social services commissioner to adopt Medicaid regulations, including those requiring DSS to monitor admissions and prohibit admission of people with primary psychiatric diagnosis if such would jeopardize federal reimbursement	Yes	Same as above
<a href="#">§ 17b-347</a>	Termination of Medicaid provider agreement by nursing home facilities; rates to be paid by self-pay patients	Yes	Same as above
<a href="#">§ 17b-352</a>	Certificate of need (CON)—here the heading uses the term, but the body of the statute enumerates different types of facilities, including nursing homes and RCHs	No, but it references <a href="#">CGS § 19a-490</a> , which jointly defines RCHs, nursing homes, and rest homes	It appears that RCHs are meant to be included since the Department of Social Services (DSS) issues CONs to both types of facilities

Table 1: –Continued–

<b>CGS Citation</b>	<b>Summary</b>	<b>Reference to CGS § 19a-521</b>	<b>Applicability to RCHs</b>
<a href="#">§ 17b-372</a>	Small house nursing home pilot program—definition of such homes uses the term	No	The statute makes subsequent references to nursing homes, making it appear to apply only to these types of facilities
<a href="#">§ 17b-406</a>	Duties of resident advocate	No	The phrase appears only in the title (It applies to posting notice of advocates and body of law makes all long-term care (LTC) facilities subject to it), hence it appears to apply to both nursing homes and RCHs
<a href="#">§ 17b-451</a>	Mandated reporting of suspected abuse or neglect of elderly	No	It appears to apply to both nursing homes and RCHs
<a href="#">§ 19a-131k [1]</a>	Mandatory distribution of potassium iodide	Yes	This statute explicitly excludes RCHs
<a href="#">§ 19a-497</a>	Strike contingency plans	No	It appears to apply to both nursing homes and RCHs
<a href="#">§ 19a-498</a>	Permits the DSS commissioner to examine and audit nursing home facility's financial records	Yes	It could go either way since DSS makes payments to both nursing homes and RCHs. On the other hand, the provision also applies to nursing facility management service certificate holders, which seems to apply only to nursing homes.
<a href="#">§ 19a-502</a>	Penalties for operating without a license	No	It appears to apply to nursing homes and RCHs
<a href="#">§ 19a-521b</a>	Bed clearance	No	The phrase appears in the title, and both nursing homes and RCHs are listed in the body, thus it appears to apply to both
<a href="#">§ 19a-521</a>	Definition section	Yes	See above section on definition
<a href="#">§ 19a-521c</a>	Prescription drugs obtained through U.S. Department of Veterans Affairs	Yes	Not clear
<a href="#">§ 19a-522</a>	Regulations concerning these facilities' health, safety, and welfare	No	Could apply to both, although the provisions specific to nursing homes (e.g., medical staff qualifications) would not apply to RCHs
<a href="#">§ 19a-523</a>	Injunctions for violations resulting from inspections and investigations	No	This is broad and appears to apply to nursing homes and RCHs. This section of statute references <a href="#">CGS § 17b-408</a> , which concerns the LTC ombudsman, who investigates complaints involving any LTC facility, not just nursing homes. (See <a href="#">CGS § 17b-400</a> for definition of LTC facility.)
<a href="#">§ 19a-524</a>	Citations for violations	No	This is broad and appears to apply to both nursing homes and RCHs
<a href="#">§ 19a-525</a>	Contest of citation	No	Same as above
<a href="#">§ 19a-527</a>	Classifications of violations based on their nature	No	Same as above
<a href="#">§ 19a-528</a>	Criteria for imposing civil penalties	No	Same as above
<a href="#">§ 19a-529</a>	Appeals to Superior Court	No	Same as above
<a href="#">§ 19a-531</a>	Penalties for giving advance notice of inspections or investigations	No	Same as above
<a href="#">§ 19a-532</a>	Whistleblower protections for complainants and others	No	Same as above
<a href="#">§ 19a-534</a>	Emergency transfers of patients	No	It is not clear, but given its placement in the statutes, and use of word "patient," it probably applies only to nursing homes

Table 1: –Continued–

<b>CGS Citation</b>	<b>Summary</b>	<b>Reference to CGS § 19a-521</b>	<b>Applicability to RCHs</b>
<a href="#">§ 19a-534a</a>	Emergency actions against nursing home licensees	No	Given the title, and above comments, it appears to apply only to nursing homes
<a href="#">§ 19a-536</a>	Access to inspection reports	No	Seems to apply only to nursing homes since that phrase is used as well
<a href="#">§ 19a-538</a>	Annual report by DPH listing all nursing home facilities	No	Not clear
<a href="#">§ 19a-539</a>	Disclosures of additional costs; enforcement of surety contracts	Yes	It appears to apply only to nursing homes, especially since surety contract makes reference to Medicaid
<a href="#">§§ 19a-541 to -549</a>	Receivership	Yes	Appears to apply to both nursing homes, and RCHs, in part
<a href="#">§ 19a-550</a>	Residents' bill of rights; patient bed transfers	Yes	Applies to both nursing homes and RCHs, in part
<a href="#">§ 19a-552</a>	Penalty for failure to comply with <a href="#">CGS § 19a-551</a>	No	Same as above
<a href="#">§ 19a-553</a>	Requires nursing home administrators to notify law enforcement of any crimes committed by patients and establishes penalties for failure to do so	No	Seems to apply only to nursing homes given requirement is for nursing home administrators
<a href="#">§ 19a-562a [1]</a>	Requires certain nursing home facilities to provide training on pain management and Alzheimer's training	No	This statute explicitly exempts RCHs from those facilities required to meet the mandate
<a href="#">§ 20-101a</a>	Allows nurses working in certain health care facilities to determine and pronounce patient deaths	Yes	This likely does not apply to RCHs as the nurse must be in charge of the facility
<a href="#">§§ 46a-11a, et. seq.</a>	Office of Protection and Advocacy abuse and neglect investigations	No	It appears to apply to both

[1] These statutes explicitly exempt RCHs.

Table 2 lists those additional statutes that make a reference to [CGS § 19a-521](#) but do not include an explicit reference to the phrase “nursing home facility.”

**TABLE 2: LIST OF LAWS CONTAINING REFERENCE TO [CGS § 19A-521](#) BUT NOT “NURSING HOME FACILITY”**

<b>CGS Citation</b>	<b>Summary</b>	<b>Applicability</b>
<a href="#">§ 17b-357</a>	Surveys of nursing facilities, which are chronic and convalescent homes or rest homes with nursing supervision, as defined in <a href="#">CGS § 19a-521</a>	Appears to apply only to nursing homes as these facilities must have Medicaid provider agreement with DSS
<a href="#">§ 19a-485</a>	Changes “homes for the aged” to “residential care homes” throughout statutes	This section contains a reference to every statute formerly containing the phrase “home for the aged” and clearly applies only to RCHs
<a href="#">§ 19a-491c</a>	Requires criminal history and patient abuse background checks plan for LTC facilities	This is a newer law ( <a href="#">PA 11-242, § 90</a> ). Its definition of a “LTC facility” includes a facility, agency, or provider that is a nursing home as defined in <a href="#">§ 19a-521</a> . Hence, it does not appear to apply to RCHs.

Table 2: –Continued–

<b>CGS Citation</b>	<b>Summary</b>	<b>Applicability</b>
<a href="#">§ 19a-533</a>	Nursing home waiting list	Although there is a reference to <a href="#">§ 19a-521</a> , the statute uses the term “nursing home,” as a CCNH or RHNS, defined in that section. Also, the penalty for noncompliance is a reduction in the nursing home’s daily rate. It is our understanding that this section is limited to nursing homes only.
<a href="#">§ 19a-535</a>	Transfers and discharges of residents	Since RCHs have their own transfer and discharge statute ( <a href="#">CGS § 19a-535a</a> ), this section can be construed to apply only to nursing homes. Moreover, the statute seems to narrowly define “facility” to include only CCNH and RHNS.
<a href="#">§ 19a-554</a>	Assignment of assistant attorneys general to advise the DPH commissioner on legal matters related to a series of statutes	Not clear
<a href="#">§ 27-106a</a>	Permits commissioner of veterans’ affairs to apply for a CCNH, RHNS, or assisted living service agency license from DPH	Appears to apply to only nursing homes since RCHs not mentioned
<a href="#">§ 45a-644</a>	Conservator of the person	Defines such to include a nursing home as defined in <a href="#">§ 19a-521</a> so appears to apply only to nursing homes
<a href="#">§ 45a-669</a>	Limited guardian of a person with intellectual disability	Same as above

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