



# House of Representatives

General Assembly

**File No. 122**

January Session, 2013

House Bill No. 5766

*House of Representatives, March 25, 2013*

The Committee on Public Health reported through REP. JOHNSON of the 49th Dist., Chairperson of the Committee on the part of the House, that the 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 Section 19a-522a of the general statutes is repealed and  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, 2013*):

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.

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Social Services, Dept.	GF - Cost	Potential	Potential
Resources of the General Fund	GF - Revenue Gain	Potential	Potential

**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****HB 5766*****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 because the facility is inadequate. The commissioner must 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 owner violates the consent order, the commissioner may assess a civil penalty of up to \$ 1,000 for each day the violation continues.

EFFECTIVE DATE: October 1, 2013

**BACKGROUND*****Nursing Home Temperatures***

The Public Health Code requires areas nursing home residents use to have a minimum temperature of 75 degrees Fahrenheit; all other occupied areas must have a temperature of at least 70 degrees (Conn. Agencies Reg., § 19-13-D8t(d)). The law allows homes to maintain lower temperatures if they comply with federal “comfortable and safe” temperature standards (CGS § 19a-522a). 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)). (Thus, homes can lower temperatures in resident rooms below 75 degrees).

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 (CGS § 19a-527). 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.

**COMMITTEE ACTION**

Aging Committee

Joint Favorable Change of Reference

Yea 11 Nay 0 (02/14/2013)

Public Health Committee

Joint Favorable

Yea 18 Nay 10 (03/11/2013)