



General Assembly

January Session, 2013

Raised Bill No. 5761

LCO No. 2538

02538 _____ AGE

Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT CONCERNING NOTIFICATION TO POTENTIAL AND EXISTING NURSING HOME OWNERS.

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 Section 19a-528a of the general statutes is repealed and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, 2013*):

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.
7 Such application shall be prescribed by the Commissioner of Public
8 Health and include such information as the commissioner deems
9 necessary. The Department of Public Health shall prepare the change
10 in ownership application which shall include the following statement
11 printed in not less than eighteen-point boldface type of uniform font
12 on the first page of the application: "NOTICE: Any nursing home
13 licensee, owner or officer, including, but not limited to, a director,
14 trustee, limited partner, managing partner, general partner or any

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

41 Sec. 2. (NEW) (*Effective October 1, 2013*) The Department of Public
42 Health shall prepare a notice that includes the following statement
43 printed in no less than eighteen-point boldface type of uniform font:
44 "NOTICE: Any nursing home licensee, owner or officer, including, but
45 not limited to, a director, trustee, limited partner, managing partner,
46 general partner or any person having at least a ten per cent ownership
47 interest, and any administrator, assistant administrator, medical

48 director, director of nursing or assistant director of nursing, may be
49 subject to criminal liability, in addition to civil and administrative
50 sanctions under federal and state law, for the abuse or neglect of a
51 resident of the nursing home perpetrated by an employee of the
52 nursing home.". Such notice shall be provided not later than January 1,
53 2014, to all persons who hold a license to establish, conduct, operate or
54 maintain a nursing home in the state by the Department of Public
55 Health on October 1, 2013.

56 Sec. 3. (NEW) (*Effective October 1, 2013*) The statement that the
57 Department of Public Health is required to include in change of
58 ownership applications pursuant to section 19a-528a of the general
59 statutes, as amended by this act, and prepare as a notice to be provided
60 to certain licensees pursuant to section 2 of this act, shall not be
61 construed as expanding or otherwise affecting the liability of nursing
62 home licensees and owners that may exist at law for the abuse or
63 neglect of a resident of the nursing home.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2013</i> | 19a-528a |
| Sec. 2 | <i>October 1, 2013</i> | New section |
| Sec. 3 | <i>October 1, 2013</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.]