



General Assembly

January Session, 2013

Substitute Bill No. 5761



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 Section 19a-528a of the general statutes is repealed and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 application shall include the following statement
10 printed in not less than eighteen-point boldface type of uniform font
11 on the first page of the application: "NOTICE: Any nursing home
12 licensee, owner or officer, including, but not limited to, a director,
13 trustee, limited partner, managing partner, general partner or any
14 person having at least a ten per cent ownership interest, and any
15 administrator, assistant administrator, medical director, director of
16 nursing or assistant director of nursing, may be subject to criminal
17 liability, in addition to civil and administrative sanctions under federal
18 and state law, for the abuse or neglect of a resident of the nursing
19 home perpetrated by an employee of the nursing home.". [Such] The
20 application shall also include [such information as the Commissioner

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

40 Sec. 2. (NEW) (*Effective October 1, 2013*) The Commissioner of Public
41 Health shall prepare a notice that includes the following statement
42 printed in no less than eighteen-point boldface type of uniform font:
43 "NOTICE: Any nursing home licensee, owner or officer, including, but
44 not limited to, a director, trustee, limited partner, managing partner,
45 general partner or any person having at least a ten per cent ownership
46 interest, and any administrator, assistant administrator, medical
47 director, director of nursing or assistant director of nursing, may be
48 subject to criminal liability, in addition to civil and administrative
49 sanctions under federal and state law, for the abuse or neglect of a
50 resident of the nursing home perpetrated by an employee of the
51 nursing home.". Not later than January 1, 2014, said commissioner
52 shall provide such notice to all persons who hold a license to establish,
53 conduct, operate or maintain a nursing home in the state as of October
54 1, 2013.

