



General Assembly

**Substitute Bill No. 519**

January Session, 2013

\* SB00519AGE\_\_021413\_\_ \*

**AN ACT CONCERNING TRAINING NURSING HOME STAFF ABOUT RESIDENTS' FEAR OF RETALIATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 17b-403 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2013*):

4 (b) The State Ombudsman shall serve on a full-time basis, and shall  
5 personally or through representatives of the office:

6 (1) Identify, investigate and resolve complaints that:

7 (A) Are made by, or on behalf of, residents or, as to complaints  
8 involving the application for admission to a long-term care facility, by  
9 or on behalf of applicants; and

10 (B) Relate to action, inaction or decisions that may adversely affect  
11 the health, safety, welfare or rights of the residents, including the  
12 welfare and rights of the residents with respect to the appointment and  
13 activities of guardians and representative payees, of (i) providers or  
14 representatives of providers of long-term care services, (ii) public  
15 agencies, or (iii) health and social service agencies;

16 (2) Provide services to protect the health, safety, welfare and rights  
17 of the residents;

18 (3) Inform the residents about means of obtaining services provided  
19 by providers or agencies described in subparagraph (B) of subdivision  
20 (1) of this subsection or services described in subdivision (2) of this  
21 subsection;

22 (4) Ensure that the residents and, as to issues involving applications  
23 for admission to long-term care facilities, applicants have regular and  
24 timely access to the services provided through the office and that the  
25 residents and complainants receive timely responses from  
26 representatives of the office to complaints;

27 (5) Represent the interests of the residents, and of applicants in  
28 relation to issues concerning applications to long-term care facilities,  
29 before governmental agencies and seek administrative, legal and other  
30 remedies to protect the health, safety, welfare and rights of the  
31 residents;

32 (6) Provide administrative and technical assistance to  
33 representatives to assist the representatives in participating in the  
34 program;

35 (7) (A) Analyze, comment on and monitor the development and  
36 implementation of federal, state and local laws, regulations, and other  
37 governmental policies and actions that pertain to the health, safety,  
38 welfare and rights of the residents with respect to the adequacy of  
39 long-term care facilities and services in this state and to the rights of  
40 applicants in relation to applications to long-term care facilities;

41 (B) Recommend any changes in such laws, regulations, policies and  
42 actions as the office determines to be appropriate; and

43 (C) Facilitate public comment on [the] such laws, regulations,  
44 policies and actions;

45 (8) Advocate for:

46 (A) Any changes in federal, state and local laws, regulations and  
47 other governmental policies and actions that pertain to the health,

48 safety, welfare and rights of residents with respect to the adequacy of  
49 long-term care facilities and services in this state and to the health,  
50 safety, welfare and rights of applicants which the State Ombudsman  
51 determines to be appropriate;

52 (B) Appropriate action by groups or agencies with jurisdictional  
53 authority to deal with problems affecting individual residents and the  
54 general resident population and applicants in relation to issues  
55 concerning applications to long-term care facilities; and

56 (C) The enactment of legislative recommendations by the General  
57 Assembly and of regulatory recommendations by commissioners of  
58 Connecticut state agencies;

59 (9) (A) Provide for training representatives of the office;

60 (B) Promote the development of citizen organizations to participate  
61 in the program; and

62 (C) Provide technical support for the development of resident and  
63 family councils to protect the well-being and rights of residents;

64 (10) Coordinate ombudsman services with the protection and  
65 advocacy systems for individuals with developmental disabilities and  
66 mental illnesses established under (A) Part A of the Development  
67 Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and  
68 (B) The Protection and Advocacy for Mentally Ill Individuals Act of  
69 1986 (42 USC 10801 et seq.);

70 (11) Coordinate, to the greatest extent possible, ombudsman services  
71 with legal assistance provided under Section 306(a)(2)(C) of the federal  
72 Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from  
73 time to time, through the adoption of memoranda of understanding  
74 and other means;

75 (12) Create, and periodically update as needed, a training manual  
76 for nursing home facilities identified in section 19a-522c, as amended  
77 by this act, that provides guidance on structuring and implementing

78 the training required by said section;

79 [(12)] (13) Provide services described in [subdivisions (1) to (11),  
80 inclusive, of] this subsection, to residents under age sixty living in a  
81 long-term care facility, if (A) a majority of the residents of the facility  
82 where the younger person resides are over age sixty and (B) such  
83 services do not weaken or decrease service to older individuals  
84 covered under this chapter; and

85 [(13)] (14) Carry out such other activities and duties as may be  
86 required under federal law.

87 Sec. 2. Section 19a-522c of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective October 1, 2013*):

89 A nursing home administrator of a chronic and convalescent  
90 nursing home or a rest home with nursing supervision shall ensure  
91 that all facility staff receive annual in-service training in (1) an area  
92 specific to the needs of the patient population at such facilities, and (2),  
93 as part of any training that may be required concerning patients' rights  
94 pursuant to section 19a-550, patients' fear of retaliation from  
95 employees or others. A nursing home administrator shall ensure that  
96 any person conducting the in-service training is familiar with needs of  
97 the patient population at the facility, provided such training need not  
98 be conducted by a qualified social worker or qualified social worker  
99 consultant. A nursing home administrator shall ensure that the in-  
100 service training in patients' fear of retaliation includes discussion of  
101 (A) patients' rights to file complaints and voice grievances, (B)  
102 examples of what might constitute or be perceived as employee  
103 retaliation against patients, and (C) methods of preventing employee  
104 retaliation and alleviating patients' fear of such retaliation. In  
105 accordance with section 19a-36, the Commissioner of Public Health  
106 shall amend the Public Health Code in conformity with the provisions  
107 of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	17b-403(b)
Sec. 2	October 1, 2013	19a-522c

**Statement of Legislative Commissioners:**

In subsections (b)(1)(A), (b)(4) and (b)(8)(C) of section 1, existing statutory language was restored for accuracy and clarity, and in section 2, "residents" was changed to "patients" for consistency of terminology and "required residents' rights training" was changed to "any training that may be required concerning patients' rights pursuant section 19a-550" for accuracy and clarity.

**AGE**      *Joint Favorable Subst.*