

---

---

## **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)