
OLR Bill Analysis

SB 115

AN ACT CONCERNING RESIDENTIAL NURSING HOME FACILITIES SERVING INMATES AND MENTAL HEALTH PATIENTS.

SUMMARY:

This bill places additional restrictions on which inmates the Department of Correction (DOC) commissioner can release to nursing homes under contract with the state for palliative and end-of-life care. It prohibits him from releasing to nursing homes inmates convicted of 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; sexual assault in a spousal or cohabiting relationship; aggravated sexual assault of a minor; or 3rd degree sexual assault with a firearm.

The bill also specifies that the law allowing the DOC commissioner to release inmates in this manner must not be construed to limit any powers that a zoning or planning and zoning commission lawfully exercises pursuant to the zoning statutes.

EFFECTIVE DATE: Upon passage

BACKGROUND

Release of Inmates to Nursing Homes

PA 12-1, June 12, 2012 Special Session, gave the DOC commissioner the discretion to release certain inmates from custody for nursing home placement for palliative and end-of-life care, under certain conditions. DOC must supervise any inmate released to the community in this manner.

The placement must be in a licensed community-based nursing home under contract with the state. Before the commissioner can authorize such a placement, the DOC medical director must determine that the inmate is suffering from a terminal illness or is so debilitated

or incapacitated by it as to (1) need continuous palliative or end-of-life care or (2) be physically incapable of presenting a danger to society.

As a condition of the nursing home placement, the commissioner can require the DOC medical director to periodically review and diagnose the inmate. An inmate must be returned to DOC custody if the medical director determines that he or she no longer meets the release criteria described above.

Under the act, inmates cannot be released to a nursing home if they were convicted of (1) a capital felony under the applicable law in effect before April 25, 2012, or (2) murder with special circumstances under the law in effect on or after that date (CGS § 18-100i).

State Contract to Establish Facility

The law (CGS § 17b-372a, enacted in 2011) allows the DOC, Department of Mental Health and Addiction Services (DMHAS), and Department of Social Services (DSS) commissioners to establish or contract to establish a nursing home on state-owned or private property for people who require nursing home-level care and are (1) transitioning from prison into the community or (2) are DMHAS clients. The facility's development is exempt from the state's certificate of need requirements.

In February 2012, DMHAS issued a request for proposals, in conjunction with DOC and DSS, to select a vendor to operate such a facility. The vendor selected by DMHAS chose as the project site a former nursing home in Rocky Hill. The town challenged the project in court, alleging, among other things, that the facility violates local zoning requirements. On April 23, 2013, the Superior Court dismissed the case. The town has appealed.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Change of Reference
Yea 26 Nay 1 (04/02/2013)

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/19/2013)