



General Assembly

January Session, 2015

Raised Bill No. 707

LCO No. 2938



Referred to Committee on AGING

Introduced by:
(AGE)

***AN ACT CONCERNING NOTIFICATION OF THE STATE'S INTEREST
IN PROTECTING NURSING HOME RESIDENTS.***

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 Section 19a-528a of the general statutes is repealed and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, 2015*):

3 (a) 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] The application shall be prescribed by the Commissioner of
8 Public Health. The first page of the application shall include the
9 following statement: "NOTICE: The State of Connecticut values the
10 quality of care provided to all of our residents. Please know that any
11 nursing home licensee, owner or officer, including, but not limited to, a
12 director, trustee, limited partner, managing partner, general partner or
13 any person having at least a ten per cent ownership interest in the
14 nursing home or the entity that owns the nursing home, and any
15 administrator, assistant administrator, medical director, director of

16 nursing or assistant director of nursing may be subject to civil and
17 criminal liability, as well as administrative sanctions under applicable
18 federal and state law, for the abuse or neglect of a resident of the
19 nursing home perpetrated by an employee of the nursing home." 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 (b) The statement that the Commissioner of Public Health is
41 required to include on the first page of the change in ownership
42 applications pursuant to subsection (a) of this section shall not be
43 construed as expanding or otherwise affecting the liability that may
44 exist at law of a 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 in the nursing home or the entity that owns the nursing home,
48 or the liability of any administrator, assistant administrator, medical

49 director, director of nursing or assistant director of nursing for the
50 abuse or neglect of a resident of the nursing home.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	19a-528a

Statement of Purpose:

To ensure nursing home ownership and management are notified of the state's interest in protecting the health and well-being of elderly and infirm persons in their care.

[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.]