



House of Representatives

File No. 905

General Assembly

January Session, 2015

(Reprint of File No. 305)

Substitute House Bill No. 5257
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 28, 2015

***AN ACT REQUIRING NOTICE OF ABUSE REPORTS CONCERNING
RESIDENTS OF LONG-TERM CARE FACILITIES.***

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

1 Section 1. Subsection (d) of section 17a-412 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (d) Such report or complaint shall not be deemed a public record,
5 and shall not be subject to the provisions of section 1-210. Information
6 derived from such reports or complaints for which reasonable grounds
7 are determined to exist after investigation as provided for in section
8 17a-413, including the identity of the long-term care facility, the
9 number of complaints received, the number of complaints
10 substantiated and the types of complaints, may be disclosed by the
11 Commissioner of Social Services, except that in no case shall the name
12 of the resident or the complainant be revealed, unless such person
13 specifically requests such disclosure or unless a judicial proceeding
14 results from such report or complaint. Notwithstanding the provisions

15 of this section or section 17b-452, not later than twenty-four hours, or
16 as soon as possible, after receiving a report pursuant to subsection (a)
17 of this section concerning a resident of a long-term care facility, the
18 commissioner shall notify such resident's guardian or conservator, if
19 any, or legally liable relative or other responsible party. Such
20 notification shall not be required when such guardian, conservator,
21 legally liable relative or other responsible party is suspected of
22 perpetrating the abuse, neglect, exploitation or abandonment that is
23 the subject of the report. The commissioner shall obtain the contact
24 information for such guardian, conservator, legally liable relative or
25 other responsible party from the long-term care facility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	17a-412(d)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill establishes certain requirements for long term care facilities and clarifies the Department of Social Services' responsibilities when there are reports of abuse in such facilities. There is no associated fiscal impact.

House "A struck the underlying bill and resulted in the fiscal impact noted above.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5257 (as amended by House "A")******AN ACT REQUIRING NOTICE OF NURSING HOME FACILITY OR RESIDENTIAL CARE HOME RESIDENT ABUSE.*****SUMMARY:**

The law requires people working in certain professions (mandated reporters, see BACKGROUND) to report to the Department of Social Services (DSS) if they have reasonable cause to suspect or believe a resident in a long-term care facility has been abused, neglected, exploited, or abandoned and DSS must investigate such reports. This bill requires DSS, after receiving such a report, to notify the resident's (1) guardian or conservator, if any, (2) legally liable relative, or (3) other responsible party. The department must provide the notice as soon as possible, but no later than 24 hours, after receiving the report. The commissioner must get the contact information from the long-term care facility. The notice is not required when the guardian, conservator, legally liability relative, or responsible party is the suspected perpetrator.

*House Amendment "A" replaces the underlying bill, which required nursing homes and residential care homes to (1) for each resident, keep on file contact information for a family member designated by the resident or the resident's legal guardian and (2) notify the contact of any reports that the resident has been neglected, abused, exploited, or abandoned. The bill also imposed notice requirements on DSS similar to those in the amendment.

EFFECTIVE DATE: October 1, 2015

BACKGROUND***Mandated Reporters***

By law the following are mandated reporters of abuse, neglect, exploitation, or abandonment of long-term care facility residents:

1. licensed physicians and surgeons and licensed or unlicensed residents and interns;
2. registered and licensed practical nurses;
3. nursing home administrators, nurse's aides, orderlies, and anyone else paid for providing care in a nursing home;
4. patient advocates;
5. medical examiners;
6. dentists;
7. osteopaths, optometrists, chiropractors, and podiatrists;
8. psychologists, social workers, and sexual assault or domestic violence counselors;
9. clergy;
10. police officers;
11. pharmacists; and
12. physical therapists (CGS § 17a-412).

COMMITTEE ACTION

Human Services Committee

Joint Favorable
Yea 18 Nay 0 (03/17/2015)