



Connecticut Department of Public Health

Testimony Presented Before the Public Health Committee

February 24, 2016

Commissioner Raul Pino, M.D., M.P.H.
860-509-7101

**SENATE Bill #209 AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS REGARDING THE PROTECTION OF RESIDENTS IN LONG TERM CARE**

The Department of Public Health (DPH) thanks the committee for raising this bill on behalf of the agency and respectfully requests the committee to take favorable action on Senate Bill #209.

Section 1: This section replaces the term "nursing home" with "nursing home facility" as a technical change to align with the definition as set forth in CGS Section 19a-521. It also clarifies that a nursing home is not only under the supervision of a licensed nursing home administrator, but that the administrator is responsible for the quality and safety of all services provided in a nursing home. Clarifying and qualifying the duties and responsibilities of the licensed nursing home administrator and reinforcing their responsibility for quality and safety will ensure greater accountability for the delivery of care and services and ultimately result in positive resident outcomes. While the Connecticut Public Health Code states "The administrator shall be responsible for the overall management of the facility," it does not address overall accountability of a nursing home's operation and responsibility to a vulnerable population. The Code of Federal Regulations (42 CFR 483.75) directs that "A facility must be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident." Amending Section 19a-511 will align the expectations of the administrator with the federal requirements.

Sections 2 and 3: These sections clarify the responsibilities of both the Department and the administrator when a nursing home facility elects to contest a citation that has been issued after DPH has identified non-compliance with the Connecticut Public Health Code. The proposed revisions would extend the notification time period from three to five days, when an administrator of a nursing home facility determines that they will contest the citation and request an informal conference. Additionally, the proposal removes the requirement that DPH conduct an informal conference within five days of the administrator's request to contest the citation. Both the Department and the nursing home facility staff have found this to be a difficult mandate to follow. Most informal hearings are held between 10 to 30 days of the

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request. Further, at the conclusion of the informal conference, a requirement that the Department must notify the nursing home facility within five days of the Department's decision is added.

Section 4: This section will increase the civil money penalty associated with class A and class B violations by nursing home facilities or residential care homes. These fines have not been increased since 1987. Increasing the maximum penalties for violations within the Connecticut Public Health Code is in better alignment with the Centers for Medicare and Medicaid Services' enforcement process.

Section 5: When significant violations have been identified during federal inspection activity, a valuable tool utilized in achieving and sustaining compliance has been the use of a temporary manager. The addition of a temporary manager to the Department's list of disciplinary actions that may be taken when significant non-compliance with State laws and regulations has been identified would be very helpful. The Department anticipates applying this corrective action in extreme situations. Consideration will be given to appointing a temporary manager when it is determined that the current leadership is ineffective and has contributed to major institutional system failures. A temporary manager would act as the executive leader for the institution for a short time; any fees associated with retaining an individual to perform this role would be paid by the facility.

Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15: These sections replace the term "nursing home" with "nursing home facility" to align with the definition as set forth in CGS Section 19a-521.

Thank you for your consideration of the Department's views on this bill.