



General Assembly

February Session, 2016

Raised Bill No. 209

LCO No. 1488



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

***AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS REGARDING THE PROTECTION OF
RESIDENTS IN HEALTH CARE INSTITUTIONS.***

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

1 Section 1. Section 19a-511 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 As used in this section and sections [19a-511] 19a-512 to 19a-520,
4 inclusive, as amended by this act, ["nursing home"] "nursing home
5 facility" means an institution licensed under this chapter and "nursing
6 home facility administrator" means the person in general
7 administrative charge of a nursing home facility. All nursing [homes]
8 home facilities licensed under this chapter shall be under the
9 supervision of a licensed nursing home facility administrator. The
10 nursing home facility administrator shall be responsible for the quality
11 and safety of all services provided in the nursing home facility.

12 Sec. 2. Section 19a-524 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective October 1, 2016*):

14 If, upon review, investigation or inspection pursuant to section 19a-
15 498, the Commissioner of Public Health determines that a nursing
16 home facility or residential care home has violated any provision of
17 section 17a-411, 19a-491a to 19a-491c, inclusive, 19a-493a, 19a-521 to
18 19a-529, inclusive, 19a-531 to 19a-551, inclusive, or 19a-553 to 19a-555,
19 inclusive, or any regulation in the Public Health Code or regulation
20 relating to licensure or the Fire Safety Code relating to the operation or
21 maintenance of a nursing home facility or residential care home, which
22 violation has been classified in accordance with section 19a-527, as
23 amended by this act, [he or she shall immediately] the commissioner
24 may issue or cause to be issued a citation to the licensee of such
25 nursing home facility or residential care home. Governmental
26 immunity shall not be a defense to any citation issued or civil penalty
27 imposed pursuant to sections 19a-524 to 19a-528, inclusive. Each such
28 citation shall be in writing, shall provide notice of the nature and scope
29 of the alleged violation or violations and shall be sent by certified mail
30 to the licensee at the address of the nursing home facility or residential
31 care home in issue. A copy of such citation shall also be sent to the
32 licensed administrator at the address of the nursing home facility or
33 residential care home.

34 Sec. 3. Section 19a-525 of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective October 1, 2016*):

36 (a) The administrator of the nursing home facility or residential care
37 home, or [his or her] the administrator's designee, shall, [within three
38 days, excluding Saturdays, Sundays and holidays, of] not later than
39 five business days after receipt of the citation by the licensee, notify the
40 commissioner if the licensee contests the citation. If the administrator
41 fails to so notify the commissioner [within such three-day] after such
42 five-day period, the citation shall be deemed a final order of the
43 commissioner, effective upon the expiration of said period.

44 (b) If any administrator of a nursing home facility or residential care
45 home, or his or her designee, notifies the commissioner that the

46 licensee contests the citation, the commissioner shall provide [within
47 five days of such notice, excluding Saturdays, Sundays and holidays,]
48 an informal conference between the licensee and the commissioner or
49 the commissioner's designee. Not later than five business days after
50 the conclusion of the informal conference, the commissioner shall
51 notify the licensee of the commissioner's conclusions resulting from the
52 informal conference. If the licensee [and commissioner fail to reach an
53 agreement at such conference, the] disagrees with the commissioner's
54 conclusions, the licensee shall notify the commissioner in writing and
55 the commissioner shall set the matter down for a hearing as a
56 contested case in accordance with chapter 54. [, not more than five nor
57 less than three days after such conference, with notice of the date of
58 such hearing to the administrator not less than two days before such
59 hearing, provided the minimum time requirements may be waived by
60 agreement. The commissioner shall, not later than three days,
61 excluding Saturdays, Sundays and holidays,] The commissioner shall,
62 after the conclusion of the informal conference if an agreement is
63 reached at, or as a result of, such conference, or after the hearing, issue
64 a final order, based on findings of fact, affirming, modifying or
65 vacating the citation.

66 Sec. 4. Section 19a-527 of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2016*):

68 Citations issued pursuant to section 19a-524, as amended by this act,
69 for violations of statutory or regulatory requirements shall be classified
70 according to the nature of the violation and shall state such
71 classification and the amount of the civil penalty to be imposed on the
72 face thereof. The Commissioner of Public Health shall, by regulation in
73 accordance with chapter 54, classify violations as follows:

74 [(a)] (1) Class A violations are conditions that the Commissioner of
75 Public Health determines present an immediate danger of death or
76 serious harm to any patient in the nursing home facility or residential
77 care home. For each class A violation, a civil penalty of not more than

78 [five] ten thousand dollars may be imposed;

79 [(b)] (2) Class B violations are conditions that the Commissioner of
80 Public Health determines present a probability of death or serious
81 harm in the reasonably foreseeable future to any patient in the nursing
82 home facility or residential care home, but that he or she does not find
83 constitute a class A violation. For each [such] Class B violation, a civil
84 penalty of not more than [three] five thousand dollars may be
85 imposed.

86 Sec. 5. Subsection (a) of section 19a-494 of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective*
88 *October 1, 2016*):

89 (a) The Commissioner of Public Health, after a hearing held in
90 accordance with the provisions of chapter 54, may take any of the
91 following actions, singly or in combination, in any case in which the
92 commissioner finds that there has been a substantial failure to comply
93 with the requirements established under this chapter, the Public
94 Health Code or licensing regulations:

95 (1) Revoke a license or certificate;

96 (2) Suspend a license or certificate;

97 (3) Censure a licensee or certificate holder;

98 (4) Issue a letter of reprimand to a licensee or certificate holder;

99 (5) Place a licensee or certificate holder on probationary status and
100 require him to report regularly to the department on the matters which
101 are the basis of the probation;

102 (6) Restrict the acquisition of other facilities for a period of time set
103 by the commissioner;

104 (7) Issue an order compelling compliance with applicable statutes or

105 regulations of the department; [or]

106 (8) Impose a directed plan of correction; or

107 (9) Appoint temporary management for a facility in accordance with
108 the provisions of 42 CFR 488.415, as amended from time to time, for a
109 period of time to be determined by the commissioner.

110 Sec. 6. Section 19a-512 of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2016*):

112 (a) In order to be eligible for licensure by examination pursuant to
113 sections 19a-511 to 19a-520, inclusive, as amended by this act, a person
114 shall submit an application, together with a fee of two hundred dollars,
115 and proof satisfactory to the Department of Public Health that he (1) is
116 physically and emotionally capable of administering a nursing home
117 facility; (2) has satisfactorily completed a program of instruction and
118 training, including residency training which meets the requirements of
119 subsection (b) of this section and which is approved by the
120 Commissioner of Public Health; and (3) has passed an examination
121 prescribed and administered by the Department of Public Health
122 designed to test the applicant's knowledge and competence in the
123 subject matter referred to in subsection (b) of this section. Passing
124 scores shall be established by the department.

125 (b) Minimum education and training requirements for applicants for
126 licensure are as follows:

127 (1) Each person other than an applicant for renewal, applying prior
128 to February 1, 1985, shall have completed: (A) A program so designed
129 as to content and so administered as to present sufficient knowledge of
130 the needs to be properly served by nursing [homes] home facilities,
131 laws and regulations governing the operation of nursing [homes]
132 home facilities and the protection of the interest of patients therein and
133 the elements of good nursing home facility administration, or
134 presented evidence satisfactory to the Department of Public Health of

135 sufficient education and training in the foregoing fields; and (B) a one-
136 year residency period under the joint supervision of a duly licensed
137 nursing home facility administrator in an authorized nursing home
138 facility and an accredited institution of higher education, approved by
139 said department, which period may correspond to one academic year
140 in such accredited institution. The supervising nursing home facility
141 administrator shall submit such reports as may be required by the
142 department on the performance and progress of such administrator-in-
143 training, on forms provided by the department. This subdivision shall
144 not apply to any person who has successfully completed a program of
145 study for a master's degree in nursing home facility administration or
146 in a related health care field and who has been awarded such degree
147 from an accredited institution of higher learning.

148 (2) Each such person applying on or after February 1, 1985, in
149 addition to the requirements of subdivision (1) of this subsection, shall
150 either (A) have a baccalaureate degree in any area and have completed
151 a course in long-term care administration approved by the department,
152 or (B) have a master's degree in long-term care administration or in a
153 related health care field approved by the commissioner.

154 (3) Each such person applying on or after November 1, 2014, in
155 addition to the requirements of subdivisions (1) and (2) of this
156 subsection, shall have completed training in Alzheimer's disease and
157 dementia symptoms and care.

158 (c) Notwithstanding the provisions of subsection (b) of this section,
159 the Department of Public Health shall renew the license of any person
160 licensed as a nursing home facility administrator on July 1, 1983.

161 Sec. 7. Section 19a-513 of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective October 1, 2016*):

163 In order to be eligible for licensure by endorsement pursuant to
164 sections 19a-511 to 19a-520, inclusive, as amended by this act, a person
165 shall submit an application for endorsement licensure on a form

166 provided by the department, together with a fee of two hundred
167 dollars, and meet the following requirements: (1) Hold a current
168 license in good standing as a nursing home facility administrator in
169 another state that was issued on the basis of holding, at a minimum, a
170 baccalaureate degree and having passed the examination required for
171 licensure in such state; (2) have practiced as a licensed nursing home
172 facility administrator for not less than twelve months within the
173 twenty-four-month period preceding the date of the application; and
174 (3) have received training or education in long-term care, including,
175 but not limited to, Alzheimer's disease and dementia symptoms and
176 care or have certified, in writing, agreement to receive such training or
177 education not later than one hundred twenty days after license
178 issuance. No license shall be issued under this section to any applicant
179 against whom disciplinary action is pending or who is the subject of an
180 unresolved complaint.

181 Sec. 8. Section 19a-514 of the general statutes is repealed and the
182 following is substituted in lieu thereof (*Effective October 1, 2016*):

183 The Commissioner of Public Health shall issue a license as a nursing
184 home facility administrator to any applicant meeting the requirements
185 for licensure as specified in sections 19a-511 to 19a-520, inclusive, as
186 amended by this act. A nursing home facility administrator's license
187 shall be nontransferable.

188 Sec. 9. Section 19a-515 of the 2016 supplement to the general statutes
189 is repealed and the following is substituted in lieu thereof (*Effective*
190 *October 1, 2016*):

191 (a) Each nursing home facility administrator's license issued
192 pursuant to the provisions of sections 19a-511 to 19a-520, inclusive, as
193 amended by this act, shall be renewed once every two years, in
194 accordance with section 19a-88, except for cause, by the Department of
195 Public Health, upon forms to be furnished by said department and
196 upon the payment to said department, by each applicant for license

197 renewal, of the sum of two hundred five dollars. Each such fee shall be
198 remitted to the Department of Public Health on or before the date
199 prescribed under section 19a-88. Such renewals shall be granted unless
200 said department finds the applicant has acted or failed to act in such a
201 manner or under such circumstances as would constitute grounds for
202 suspension or revocation of such license.

203 (b) Each licensee shall complete a minimum of forty hours of
204 continuing education every two years, including, but not limited to,
205 training in Alzheimer's disease and dementia symptoms and care.
206 Such two-year period shall commence on the first date of renewal of
207 the licensee's license after January 1, 2004. The continuing education
208 shall be in areas related to the licensee's practice. Qualifying
209 continuing education activities are courses offered or approved by the
210 Connecticut Association of Healthcare Facilities, LeadingAge
211 Connecticut, Inc., the Connecticut Assisted Living Association, the
212 Connecticut Alliance for Subacute Care, Inc., the Connecticut Chapter
213 of the American College of Health Care Administrators, the
214 Association For Long Term Care Financial Managers, the Alzheimer's
215 Association or any accredited college or university, or programs
216 presented or approved by the National Continuing Education Review
217 Service of the National Association of Boards of Examiners of Long
218 Term Care Administrators, or by federal or state departments or
219 agencies.

220 (c) Each licensee shall obtain a certificate of completion from the
221 provider of the continuing education for all continuing education
222 hours that are successfully completed and shall retain such certificate
223 for a minimum of three years. Upon request by the department, the
224 licensee shall submit the certificate to the department. A licensee who
225 fails to comply with the continuing education requirements shall be
226 subject to disciplinary action pursuant to section 19a-517, as amended
227 by this act.

228 (d) The continuing education requirements shall be waived for

229 licensees applying for licensure renewal for the first time. The
230 department may, for a licensee who has a medical disability or illness,
231 grant a waiver of the continuing education requirements for a specific
232 period of time or may grant the licensee an extension of time in which
233 to fulfill the requirements.

234 Sec. 10. Section 19a-517 of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective October 1, 2016*):

236 (a) The Department of Public Health shall have jurisdiction to hear
237 all charges of unacceptable conduct brought against any person
238 licensed to practice as a nursing home facility administrator and, after
239 holding a hearing, written notice of which shall be given to such
240 person, said department, if it finds that any grounds for action by the
241 department enumerated in subsection (b) of this section exist, may take
242 any of the actions set forth in section 19a-17. Such notice shall be given,
243 and such hearing conducted, as provided in the regulations adopted
244 by the Commissioner of Public Health. Any person aggrieved by the
245 finding of the department may appeal therefrom in accordance with
246 the provisions of section 4-183, and such appeal shall have precedence
247 over nonprivileged cases in respect to order of trial.

248 (b) The department may take action under section 19a-17 for any of
249 the following reasons: (1) The license holder has employed or
250 knowingly cooperated in fraud or material deception in order to obtain
251 his license or has engaged in fraud or material deception in the course
252 of professional services or activities; (2) the license holder is suffering
253 from physical or mental illness, emotional disorder or loss of motor
254 skill, including but not limited to, deterioration through the aging
255 process, or is suffering from the abuse or excessive use of drugs,
256 including alcohol, narcotics or chemicals; (3) illegal, incompetent or
257 negligent conduct in his practice; (4) violation of any provision of state
258 or federal law governing the license holder's practices within a nursing
259 home facility; or (5) violation of any provision of this chapter or any
260 regulation adopted hereunder. The Commissioner of Public Health

261 may order a license holder to submit to a reasonable physical or
262 mental examination if his physical or mental capacity to practice safely
263 is being investigated. Said commissioner may petition the superior
264 court for the judicial district of Hartford to enforce such order or any
265 action taken pursuant to section 19a-17.

266 Sec. 11. Section 19a-518 of the general statutes is repealed and the
267 following is substituted in lieu thereof (*Effective October 1, 2016*):

268 No person shall act as a nursing home facility administrator unless
269 such person has been licensed as a nursing home facility administrator
270 under the provisions of sections 19a-511 to 19a-520, inclusive, as
271 amended by this act. Any person who violates this section or who
272 wilfully makes false representation to the Department of Public Health
273 shall be fined not more than five hundred dollars or imprisoned not
274 more than six months or both. The department shall cause to be
275 presented, to the prosecuting officer having jurisdiction, evidence of
276 any violation of any provision of said sections.

277 Sec. 12. Section 19a-519 of the general statutes is repealed and the
278 following is substituted in lieu thereof (*Effective October 1, 2016*):

279 (a) The Commissioner of Public Health shall adopt regulations, in
280 accordance with the provisions of chapter 54, with respect to standards
281 for: (1) Approval of institutions of higher education, (2) course or
282 degree requirements, or both, for licensing and renewal of licenses,
283 which requirements shall include, but not be limited to, nursing home
284 facility administration, management behavior, financial management,
285 business administration, psychosocial behavior, gerontology,
286 Alzheimer's disease and dementia, (3) the residency training program,
287 and (4) reinstatement of individuals who fail to renew their licenses
288 upon expiration, as provided in section 19a-515, to carry out the
289 provisions of sections 19a-511 to 19a-520, inclusive, as amended by this
290 act.

291 (b) The Commissioner of Public Health may make provision for one

292 or more programs of instruction and training sufficient to meet the
293 requirements of sections 19a-511 to 19a-520, inclusive, as amended by
294 this act, considering the accessibility of such programs to residents of
295 this state, if he finds there are not a sufficient number of approved
296 courses conducted in this state.

297 Sec. 13. Section 19a-520 of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective October 1, 2016*):

299 The Commissioner of Public Health may make such changes in the
300 rules and regulations adopted under this chapter, as will enable them
301 to conform with federal statutes and regulations relating to licensure of
302 nursing home facility administrators, subject to the provisions of
303 chapter 54.

304 Sec. 14. Section 19a-536 of the general statutes is repealed and the
305 following is substituted in lieu thereof (*Effective October 1, 2016*):

306 Each nursing home facility administrator, as defined in section 19a-
307 511, as amended by this act, shall permit patients in the nursing home,
308 relatives and legal representatives of, and any other person designated
309 by, such patients and persons interested in placing someone in a
310 nursing home facility to inspect all inspection reports pertaining to
311 nursing home facilities made by the Department of Public Health, the
312 State Fire Marshal, local fire and health departments or other state and
313 local agencies having jurisdiction over the institution, and all summary
314 copies of current inspection reports of the United States Department of
315 Health and Human Services as provided in the Social Security Act, and
316 shall provide a room adequate for such inspection during normal
317 business hours, provided no such reports or copies thereof shall
318 disclose the name of any patient in any nursing home facility. Such
319 nursing home facility administrator shall post or cause to be posted in
320 a conspicuous place in the nursing home facility a notice stating that
321 such reports are available for inspection and the location where they
322 may be inspected.

323 Sec. 15. Section 29-1f of the 2016 supplement to the general statutes,
324 as amended by section 56 of public act 15-240, is repealed and the
325 following is substituted in lieu thereof (*Effective October 1, 2016*):

326 (a) The clearinghouse established under section 29-1e shall collect,
327 process, maintain and disseminate information to assist in the location
328 of any missing person who (1) is eighteen years of age or older and has
329 a mental impairment, or (2) is sixty-five years of age or older, provided
330 a missing person report prepared by the Department of Emergency
331 Services and Public Protection has been filed by such missing person's
332 relative, guardian, conservator or agent appointed by the missing
333 person in accordance with sections 1-350 to 1-353b, inclusive, any
334 health care representative appointed by the missing person in
335 accordance with section 19a-576 or a nursing home facility
336 administrator, as defined in section 19a-511, as amended by this act, or,
337 pursuant to section 17a-465b, by an employee of the Department of
338 Mental Health and Addiction Services who is certified under the
339 provisions of sections 7-294a to 7-294e, inclusive. Such relative,
340 guardian, conservator, agent, health care representative, nursing home
341 facility administrator or employee shall attest under penalty of perjury
342 that the missing person (A) is eighteen years of age or older and has a
343 mental impairment, or (B) is sixty-five years of age or older. No other
344 proof shall be required in order to verify that the missing person meets
345 the criteria to be eligible for assistance under this subsection. Such
346 relative, guardian, conservator, agent, health care representative,
347 nursing home facility administrator or employee who files a missing
348 person report shall immediately notify the clearinghouse or law
349 enforcement agency if the missing person's location has been
350 determined.

351 (b) Subject to available resources, the clearinghouse established by
352 section 29-1e may collect, process, maintain and disseminate
353 information to assist in the location of missing persons other than
354 children and those persons who are eligible for assistance under
355 subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	19a-511
Sec. 2	October 1, 2016	19a-524
Sec. 3	October 1, 2016	19a-525
Sec. 4	October 1, 2016	19a-527
Sec. 5	October 1, 2016	19a-494(a)
Sec. 6	October 1, 2016	19a-512
Sec. 7	October 1, 2016	19a-513
Sec. 8	October 1, 2016	19a-514
Sec. 9	October 1, 2016	19a-515
Sec. 10	October 1, 2016	19a-517
Sec. 11	October 1, 2016	19a-518
Sec. 12	October 1, 2016	19a-519
Sec. 13	October 1, 2016	19a-520
Sec. 14	October 1, 2016	19a-536
Sec. 15	October 1, 2016	29-1f

Statement of Purpose:

To implement the Department of Public Health's recommendations regarding the responsibilities of nursing home facility administrators, the process after receipt of a citation by a nursing home facility or residential care home, penalties for violations and appointment of temporary management.

[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.]