



# Senate

General Assembly

**File No. 159**

February Session, 2016

Substitute Senate Bill No. 161

*Senate, March 23, 2016*

The Committee on Aging reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING NOTIFICATION OF PENALTIES FOR ABUSE AND NEGLECT OF 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 Section 19a-528a of the general statutes is repealed and  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, 2016*):

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 submitted in the form and manner  
8 prescribed by the Commissioner of Public Health. The commissioner  
9 shall include on the first page of the application the following  
10 statement: "NOTICE: The State of Connecticut values the quality of  
11 care provided to all nursing home residents. Please know that any  
12 nursing home licensee, owner or officer, including, but not limited to, a  
13 director, trustee, limited partner, managing partner, general partner or  
14 any person having at least a ten per cent ownership interest in the

15 nursing home or the entity that owns the nursing home, and any  
 16 administrator, assistant administrator, medical director, director of  
 17 nursing or assistant director of nursing may be subject to civil and  
 18 criminal liability, as well as administrative sanctions under applicable  
 19 federal and state law, for the abuse or neglect of a resident of the  
 20 nursing home perpetrated by an employee of the nursing home."

21 (b) Such statement shall not be construed as expanding or otherwise  
 22 affecting the liability of any person or entity referenced in the  
 23 statement. The application shall also include [such information as the  
 24 Commissioner of Public Health deems necessary and] questions as to  
 25 whether such potential nursing home licensee or owner [(1)] has had  
 26 (1) three or more civil penalties imposed through final order of the  
 27 commissioner in accordance with the provisions of sections 19a-524 to  
 28 19a-528, inclusive, or civil penalties imposed pursuant to the statutes  
 29 or regulations of another state, during the two-year period preceding  
 30 the application, (2) [has had] in any state, sanctions, other than civil  
 31 penalties of less than twenty thousand dollars, imposed through final  
 32 adjudication under the Medicare or Medicaid program pursuant to  
 33 Title XVIII or XIX of the federal Social Security Act, 42 USC 301, as  
 34 from time to time amended, or (3) [has had] in any state, such potential  
 35 licensee's or owner's Medicare or Medicaid provider agreement  
 36 terminated or not renewed. [In the event that] If a potential nursing  
 37 home licensee or owner's application contains information concerning  
 38 civil penalties, sanctions, terminations or nonrenewals, as described in  
 39 this section, the commissioner shall not approve the application to  
 40 acquire another nursing home in this state for a period of five years  
 41 from the date of final order on such civil penalties, final adjudication of  
 42 such sanctions, or termination or nonrenewal, except for good cause  
 43 shown.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	19a-528a

**Statement of Legislative Commissioners:**

In Section 1(a), "to all of nursing home residents" was changed to "to all nursing home residents" for clarity.

**AGE**      *Joint Favorable Subst. -LCO*

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***

There is no fiscal impact to the Department of Public Health from requiring a statement to be included in certain applications for licensure. Applications are provided by the agency online.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sSB 161*****AN ACT CONCERNING NOTIFICATION OF PENALTIES FOR ABUSE AND NEGLECT OF NURSING HOME RESIDENTS.*****SUMMARY:**

By law, a prospective nursing home licensee or owner must make a written application to the Department of Public Health (DPH) for a change in ownership. This bill requires DPH to include a statement in the application notifying the potential licensee or owner that he or she may be held civilly or criminally liable for abuse or neglect of a resident by a nursing home employee. Specifically, it requires the following statement on the first application page:

“NOTICE: The State of Connecticut values the quality of care provided to all of nursing home residents. Please know that any nursing home licensee, owner or officer, including, but not limited to, a director, trustee, limited partner, managing partner, general partner or any person having at least a ten percent ownership interest in the nursing home or the entity that owns the nursing home, and any administrator, assistant administrator, medical director, director of nursing or assistant director of nursing may be subject to civil and criminal liability, as well as administrative sanctions under applicable federal and state law, for the abuse or neglect of a resident of the nursing home perpetrated by an employee of the nursing home.”

The bill specifies that the statement does not expand or otherwise affect any existing legal liability of the people mentioned in the statement.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2016

## **BACKGROUND**

### ***DPH Applications for Nursing Home Ownership Changes***

By law, DPH must approve changes in nursing home ownership. The prospective licensee or owner must indicate in a written application whether he or she (1) has had civil penalties for nursing home violations imposed by DPH or another state during any two-year period or (2) received certain Medicare or Medicaid sanctions or had provider agreements for these programs terminated or not renewed. The law prohibits the DPH commissioner from approving, for a five-year period, an application to acquire a nursing home if any of these conditions are present, unless there is good cause (CGS § 19a-528a).

### ***Evaluation Period for New Licensees***

If a person has not previously operated a nursing home in Connecticut, DPH can institute an “evaluation period” of up to five years from the time of initial licensure in order to assess the standard of care the nursing home provides. During this evaluation period, the person may not acquire another nursing home in the state (CGS § 19a-493a).

## **COMMITTEE ACTION**

Aging Committee

Joint Favorable

Yea 13    Nay 0    (03/08/2016)