OLR Bill Analysis

HB 7103

AN ACT CONCERNING NURSING HOME FALLS.

SUMMARY

This bill adds to the nursing home patients’ bill of rights, the right of each nursing home patient to be informed of the home’s responsibility under federal law to mitigate the risk of patient falls. Such mitigation includes providing (1) sufficient staff supervision of patients at risk for falls and (2) assistance devices to prevent such falls.

By law, patients can pursue a private cause of action against a nursing home upon a finding that the patient (1) has been negligently deprived of any rights or benefits conferred in the patients’ bill of rights and (2) suffered an injury as a result of this deprivation. The bill specifies that such an injury includes those caused by falls due to a nursing home’s failure to mitigate fall risks.

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Patients’ Bill of Rights

Existing law establishes a patients’ bill of rights for nursing home, residential care home, and chronic disease hospital patients. It contains a broad and detailed set of rights an individual must be fully informed of before or upon admission to the facility and during the patient’s stay. Among other things, patients have the right to (1) be free from abuse and neglect, (2) participate in the planning of their care, (3) manage their own financial affairs, and (4) have their grievances resolved promptly (CGS § 19a-550). Federal nursing home law contains provisions generally similar to state law concerning these rights (42 USC § 1395i-3(c) and 42 CFR § 483.10).

COMMITTEE ACTION
Aging Committee

Joint Favorable
Yea  7   Nay  4   (02/26/2019)