



General Assembly

Amendment

January Session, 2021

LCO No. 10027



Offered by:
REP. PHIPPS, 100th Dist.

To: House Bill No. **6457**

File No. 162

Cal. No. 151

"AN ACT CONCERNING NURSING HOME SERVICES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2021*) (a) For purposes of this
4 section:

5 (1) "Nursing home facility" has the same meaning as provided in
6 section 19a-490 of the general statutes;

7 (2) "Resident" means a resident of a nursing home facility;

8 (3) "Resident representative" means (A) a court-appointed
9 conservator of the person or guardian, (B) a health care representative
10 appointed pursuant to section 19a-575a of the general statutes, or (C) if
11 there is no court-appointed conservator of the person or guardian, or
12 health care representative, a person who is (i) designated in a written
13 document signed by the resident and included in the resident's records
14 on file with the facility, or (ii) if there is no such written document, a

15 person who is a legally liable relative or other responsible party,
16 provided such person is not an employer or contractor of the facility;

17 (4) "Technology" means a device capable of remote audio or video
18 communications, or both, that may include recording capabilities;

19 (5) "Virtual monitoring" means remote monitoring of a resident by a
20 third party via technology owned and operated by the resident in the
21 resident's room or living quarters; and

22 (6) "Virtual visitation" means remote visitation between a resident
23 and family members or other persons with technology.

24 (b) An employee of a nursing home facility or an employee of a
25 contractor providing services at a nursing home facility who is the
26 subject of proposed disciplinary action by the nursing home facility
27 based upon evidence obtained from technology used by a resident for
28 virtual visitation or virtual monitoring shall be given access to that
29 evidence by the nursing home facility for the purpose of defending
30 against such action, provided the nursing home facility and the
31 employee (1) treat any recordings or images obtained from the
32 technology as confidential, and (2) not further disseminate any
33 recordings or images obtained from the technology to any other person
34 except as required under law. Any copy of a recording or image used in
35 such disciplinary action must be returned to the resident who provided
36 the copy when it is no longer needed for purposes of defending against
37 a proposed action.

38 (c) The Office of the Long-Term Care Ombudsman, may, without
39 consulting a nursing home facility, ask a resident about the existence of
40 recordings or images taken from technology used for virtual visitation
41 or virtual monitoring that could corroborate an allegation of abuse or
42 neglect.

43 (d) Except as otherwise required under law, a resident or resident
44 representative may voluntarily release recordings or images taken from
45 technology used for virtual monitoring or virtual visitation, provided

46 such release does not infringe on the privacy rights of any other person
47 under state or federal law. A nursing home facility, or any agent or
48 employee of a nursing home facility, may not solicit or request any
49 recordings or images from a resident or a resident representative taken
50 from technology used for virtual visitation or virtual monitoring for any
51 reason, except for the purpose of investigating an allegation of abuse or
52 neglect based upon a recording or image taken from such technology. If
53 the Department of Public Health initiates a complaint investigation
54 based upon an image or recording from virtual visitation technology or
55 virtual monitoring technology, the Department of Public Health may
56 provide a copy of such image or recording to the nursing home facility
57 that is the subject of the investigation."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	New section