Testimony to the Public Health Committee

Presented by Mag Morelli, President of LeadingAge Connecticut

March 6, 2023

Regarding

Senate Bill 1074, An Act Requiring Long-Term Care Facility Residents to Undergo a Criminal History and Sexual Offender Registry Search

LeadingAge Connecticut is a statewide membership association representing not-for-profit provider organizations serving older adults across the continuum of aging services, including not-for-profit skilled nursing facilities, residential care homes, home health care agencies, hospice agencies, adult day centers, assisted living communities, senior housing and life plan communities. We are pleased today to submit testimony on *Senate Bill 1074, An Act Requiring Long-Term Care Facility Residents to Undergo a Criminal History and Sexual Offender Registry Search.*

LeadingAge Connecticut recognizes that this proposal is attempting to address a concern regarding the safety of staff, residents and visitors of nursing homes, residential care homes and assisted living communities. We begin our testimony by stating that we are willing to work with all interested parties on the issues of health and safety in these settings. We do, however, believe that more attention needs to be given to this specific proposal before it is moved forward.

In the nursing home setting, there are many federal and state laws, rules and regulations that need to be considered when introducing this proposal. For instance, both federal and state laws governing involuntary transfers of nursing home residents could be implicated; once a resident has been admitted to a nursing home, the ability to involuntarily discharge a resident may only be done if there is a safe discharge available. In addition, federal and state nondiscrimination laws, including Conn. Gen. Stat. § 19a-533, the waiting list law that prohibits discrimination based on indigent status and requires that applicants be admitted according to their position on the facility wait list, would also need to be considered. In other words, there are several legal restrictions placed on a nursing home's ability to admit or discharge, even in relation to this serious issue. *We must determine how we would resolve, or even if we can resolve, these conflicts before this proposal is enacted.*

Residential care homes are also subject to limitations on the transfer and discharge of residents that should be considered. Regarding an assisted living managed residential community, those admissions are regulated by landlord tenant and fair housing laws. *Any additional requirements placed on admissions or evictions from managed residential communities must take into consideration those existing statutes and regulations.*

From an implementation perspective, this proposal raises numerous concerns. It appears that the facility will be barred from admitting an applicant until it receives notification of the background check from DPH. It is unclear how long an available bed might need to be held open for the duration of a background check. Moreover, many applicants on waiting lists will need to be re-checked each time a bed becomes available given that a prior background check only remains effective for one month. While there are exceptions for short term rehab admissions, or for conditional admissions of 60 days or less, these situations will be affected by the discharge and eviction limitations discussed above. And there is the question as to whether the short term rehab admissions would be subject to the constant supervision requirement of a conditional admission?

That said, rather than creating a new registry, we respectfully ask the committee to consider instead requiring disclosure by the potential resident and/or their responsible party or referring entity of their status on an offender registry when considering entry to a nursing home, residential care home or managed residential community for either long- or short-term placement.

Again, LeadingAge Connecticut believes for the reasons outline above that this bill requires further consideration, and we would be happy to participate in further discussions to ensure the committee's concerns are addressed.

We thank you for this opportunity to testify on this bill and for your consideration of our opinion.

Respectfully submitted,

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