



General Assembly

January Session, 2023

Raised Bill No. 6627

LCO No. 4055



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

***AN ACT CONCERNING THE OFFICE OF THE ATTORNEY GENERAL'S
PROPOSED REMEDIES FOR DEFICIENT LONG-TERM CARE.***

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

1 Section 1. (NEW) (*Effective July 1, 2023*) As used in this section and
2 sections 2 and 3 of this act:

3 (1) "Nursing home" has the same meaning as provided in section 19a-
4 490 of the general statutes;

5 (2) "Residential care home" has the same meaning as provided in
6 section 19a-490 of the general statutes;

7 (3) "Resident" means any person who resides in a nursing home or a
8 residential care home;

9 (4) "Violation" means each instance that a violation of any federal or
10 state statute, rule or regulation occurs resulting in a final determination
11 or order by the Commissioner of Public Health pursuant to section 19a-
12 525 of the general statutes;

13 (5) "Bodily injury" means substantial impairment of the physical

14 condition including, but not limited to, any disease, burn, fracture of
15 any bone, subdural hematoma, injury to any internal organ or any injury
16 which occurs as the result of repeated harm to any bodily function or
17 organ, including human skin;

18 (6) "Person" means any natural person, corporation, limited liability
19 company, firm, association, organization, partnership, business, trust or
20 other legal entity or any natural person having at least a ten per cent
21 ownership interest in any corporation, limited liability company, firm,
22 association, organization, partnership, business, trust or other legal
23 entity; and

24 (7) "State" means the state of Connecticut, any agency or department
25 of the state or any quasi-public agency, as defined in section 1-120 of the
26 general statutes.

27 Sec. 2 (NEW) (*Effective July 1, 2023*) (a) No person shall:

28 (1) Engage in any act or practice resulting in a violation by a nursing
29 home or residential care home that results in, or has the potential to
30 result in, bodily injury to a resident; or

31 (2) Conspire to commit a violation of this section.

32 (b) Any person who violates the provisions of subsection (a) of this
33 section shall be liable to the state for: (1) A civil penalty of not less than
34 five thousand five hundred dollars or more than eleven thousand
35 dollars, or as adjusted from time to time by the federal Civil Penalties
36 Inflation Adjustment Act of 1990, 28 USC 2461, (2) three times the
37 amount of damages that the state sustains because of the act of that
38 person, and (3) the costs of investigation and prosecution of such
39 violation. Liability under this section shall be joint and several for any
40 violation of this section committed by two or more persons.

41 Sec. 3. (NEW) (*Effective July 1, 2023*) (a) The Attorney General may
42 investigate any violation of subsection (a) of section 2 of this act and, in
43 connection with such investigation, issue subpoenas and written

44 interrogatories in the same manner and to the same extent as is provided
45 in section 35-42 of the general statutes. Any information obtained
46 pursuant to such an investigation shall be exempt from disclosure under
47 section 1-210 of the general statutes. If the Attorney General finds that a
48 person has violated or is violating any provision of subsection (a) of
49 section 2 of this act, the Attorney General may bring a civil action in the
50 superior court for the judicial district of Hartford under this section in
51 the name of the state against such person. The Attorney General may
52 seek in any such civil action injunctive or declaratory relief. Nothing in
53 this section shall preclude the filing of any action brought by the
54 Attorney General or a private party pursuant to any other state law or
55 any action by any state agency.

56 (b) A civil action under sections 2 and 3 of this act may not be brought:
57 More than six years after the date of a final determination or order by
58 the Commissioner of Public Health pursuant to section 19a-525 of the
59 general statutes that is the basis of a violation of subsection (a) of section
60 2 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	New section

Statement of Purpose:

To establish civil penalties to be enforced by the Attorney General for deficient long-term care resulting in bodily injury or potential to result in bodily injury.

[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.]