

Enforcement and Penalties for Nursing Home Negligence

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August 16, 2023 | 2023-R-0132

Issue

Provide an overview of Connecticut laws that address negligence or neglect in nursing homes, particularly those relating to enforcement and penalties.

Summary

Connecticut has various laws addressing negligence or neglect in nursing homes, including (1) those allowing investigations of suspected neglect or abandonment of nursing home residents by the Department of Social Services (DSS) and the chief state's attorney; (2) abuse and neglect crimes against residents ages 60 and older; (3) the nursing home bill of rights; and (4) Department of Public Health (DPH) investigations, disciplinary actions, and civil penalties involving nursing homes or licensed health care professionals they employ.

DSS Nursing Home Investigations

By law, DSS can investigate reports of suspected neglect or abandonment of nursing home residents made by statutorily mandated reporters and others ([CGS §§ 17b-450](#) et seq.). If the department determines that neglect or abandonment occurred, it must notify the chief state's attorney, who must investigate to determine whether to bring criminal charges ([CGS § 17b-460](#)). If the investigation indicates that nursing home licensing requirements have been violated, DSS refers the complaint to DPH.

Elder Abuse and Neglect

State law makes it a crime to abuse a person aged 60 or older. “Abuse” under this law is any repeated act or omission to an elderly person that causes physical injury or serious physical injury, with some exceptions. The nature of the crime depends on whether the person acts intentionally, knowingly, or recklessly and the extent of injury that results. By law, “physical injury” means impairment of physical condition or pain; “serious physical injury” means an injury that causes (1) substantial risk of death, (2) serious impairment of health or organ function, or (3) serious disfigurement ([CGS §§ 53a-3](#) & [53a-320](#)).

A person who intentionally commits elder abuse is guilty of a felony or misdemeanor, depending on the degree of the crime. See Table 1 below for a complete list of these crimes (including assault, reckless endangerment, cruelty to person) and associated penalties.

Table 1: Statutory Penalties for Elder Abuse and Neglect Crimes

Statute	Type	Class	Name	Jail Time	Fine
53a-59a	Felony	B	1 st Degree Assault – Victim Elderly* or Other**	5 to 20 years	Up to \$15,000
53a-60b	Felony	D	2 nd Degree Assault – Victim Elderly or Other	2 to 5 years	Up to \$5,000
53a-60c	Felony	D	2 nd Degree Assault With Firearm – Victim Elderly or Other	3 to 5 years	Up to \$5,000
53a-61a	Misdemeanor	A	3 rd Degree Assault – Victim Elderly or Other	1 year	Up to \$2,000
53a-63	Misdemeanor	A	1 st Degree Reckless Endangerment (not limited to seniors)	Up to 364 days	Up to \$2,000
53a-64	Misdemeanor	B	2 nd Degree Reckless Endangerment (not limited to seniors)	Up to six months	Up to \$1,000
53a-321	Felony	C	1 st Degree Abuse of Elderly or Other	One to 10 years	Up to \$10,000
53a-322	Felony	D	2 nd Degree Abuse of Elderly or Other	Up to 5 years	Up to \$5,000
53a-323	Misdemeanor	A	3 rd Degree Abuse of Elderly or Other	Up to 364 days	Up to \$2,000
53-20	Felony	D	Cruelty to Person (not limited to seniors)	Up to 5 years	Up to \$5,000

Source: see Table on Penalties, OLR Report [2023-R-0176](#)

*Elderly means an individual age 60 or older

** Other includes pregnant women and individuals who are blind or have a disability, including intellectual disability

Nursing Home Patients' Bill of Rights

State and federal law each enumerate nursing home patients' rights. Among these are the right to:

1. receive quality care and services with reasonable accommodation of individual needs and preferences, except when this would endanger the individual's health and safety;
2. be treated with consideration, respect, and full recognition of the patient's dignity and individuality, including privacy in treatment and care for his or her personal needs;
3. be free from mental and physical abuse, corporal punishment, involuntary seclusion, and physical or chemical restraint imposed for disciplinary purposes or convenience and not required to treat the patient's medical symptoms; and
4. file a complaint with DSS or DPH about patient abuse, neglect, or misappropriation of patient property.

The nursing home bill of rights gives any patient a private right of action against a nursing home that the patient believes has negligently deprived him or her of any right or benefit the bill of rights confers ([CGS § 19a-550\(b\) & \(e\)](#)).

DPH Investigations and Civil Penalties

Nursing Home and Nursing Home Administrators

DPH licenses nursing homes and nursing home administrators. Agency staff periodically inspect nursing homes for compliance with state licensing and federal Medicaid and Medicare certification requirements. DPH can also investigate if it receives a complaint about a home.

By law, the DPH commissioner may immediately issue a citation if a review or an inspection or investigation reveals that a nursing home has violated a statute or regulation related to its licensure, operation, and maintenance ([CGS § 19a-524](#)).

The law establishes two types of citations, which are based on the nature of the violation. Class A violations present an immediate danger of death or serious harm to a nursing home resident and carry a civil penalty of up to \$20,000. Class B violations present a potential for death or serious harm in the reasonably foreseeable future and carry a civil penalty of up to \$10,000. DPH must include a notice of noncompliance with the citation ([CGS §§ 19a-524 & -527](#)).

If, after a conference or formal hearing, DPH upholds the citation and issues a final order, it may impose the above civil penalties for each violation. The penalty is deducted from the home's next Medicaid reimbursement if the fines are not paid ([CGS §§ 19a-524 to -529](#)).

Other Licensed and Registered Professionals

DPH licenses various categories of health care professionals who work in nursing homes (e.g., nurses, occupational and physical therapists, social workers). It receives complaints about these providers and investigates them. If after an investigation and any required hearing DPH or the board governing a profession determines a provider's conduct was negligent, it may discipline the provider in various ways. These include suspending or revoking the provider's license, limiting the provider's practice, and imposing a civil penalty of up to \$25,000 ([CGS §§ 19a-14 & -17](#)).

DPH also registers nurse's aides and investigates abuse and neglect complaints about them. If, after an investigation, DPH determines the aide abused or neglected a patient, it enters its findings on the state nurse's aide registry, which homes must check before hiring anyone as an aide ([CGS §§ 20-102aa to -102ee](#)).

Emergency Actions Against Nursing Homes

By law, if the DPH commissioner determines there is an immediate danger to residents' health, safety, or welfare, she may issue an emergency order to the home's owner and take various actions, such as (1) transferring residents to other facilities after notifying the residents and their relatives and legal representatives, (2) revoking or suspending the home's license, (3) prohibiting the home from admitting new patients or discharging current ones, (4) limiting the home's license, and (5) compelling compliance with relevant state statutes or regulations ([CGS §§ 19a-534 & -534a](#)).

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