

Human Services Committee JOINT FAVORABLE REPORT

Bill No.: SB-365

Title: AN ACT CONCERNING SAFETY IN THE HEALTH CARE WORKFORCE.

Vote Date: 3/19/2024

Vote Action: Joint Favorable

PH Date: 3/14/2024

File No.:

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SPONSORS OF BILL:

Human Services Committee

CO-SPONSORS OF BILL:

Sen. Saud Anwar
Sen. Mathew Lesser
Rep. Susan Johnson
Rep. Gary Turco

REASONS FOR BILL:

In October 2023, Joyce Grayson, a visiting nurse was killed by one of her patients during a home healthcare visit. The tragedy of Joyce's death highlights the need for stricter safety measures to be put in place for nurses in Connecticut. The purpose of this bill is to require that providers contracting with the Department of Social Services to receive reimbursement under the medical assistance program, provide training to staff on workplace violence prevention, authorize the Department to offer rate enhancements for escorts for home visits deemed hazardous, and timely reporting of workplace violence. Nurses are the backbone of Connecticut's healthcare system and without feeling safe and protected they are not able to provide the care their patients need.

RESPONSE FROM ADMINISTRATION/AGENCY:

Department of Social Services (DSS), Commissioner, Andrea Barton Reeves: opposes this bill stating that the Department of Public Health (DPH) is the agency primarily responsible for regulating health care providers, especially the categories of health care providers referenced in this bill and is therefore in a better position to impose these requirements. Accreditation is a requirement for Medicaid and Medicare which is enforced by DPH as the federally delegated survey and certification agency. Further, it is stated that the fiscal

projections for FY 2025, at a one percent increase in fees paid to home health agencies would result in a total cost of over two million dollars annually. The Commissioner states that because these costs are not included in the Governor's proposed budget adjustments and for the reasons previously stated DSS cannot support this bill.

Department of Mental Health and Addiction Services (DMHAS), Commissioner, Nancy Navarretta; supports this bill stating that DMHAS supports provider accreditation that is appropriate based on the level of care. It is stated that DMHAS requests to work with the proponents of the bill to provide information about current accreditation standards, as well as how to mitigate unintended consequences. It is also stated that DMHAS would like to collaborate on proposed language related to timely reporting and enhanced rates.

NATURE AND SOURCES OF SUPPORT:

The Alliance Voice of Community Nonprofits, Public Policy and Advocacy Associate, Monika Nugent; supports this bill while sharing concerns on the language as drafted. They state that the Joint Commission Standard that would be applied to behavioral health facilities and psychiatric residential treatment facilities is not appropriate for non-hospital settings and the bill mandates its application without any additional funding to providers to implement those standards. It is also stated that this bill would direct DSS to withhold reimbursement for facilities, putting a cost burden on nonprofits. It is suggested that the Committee work with DSS and DPH to ensure these standards are not already being met through other inspections or audits.

AFT Connecticut, Executive Vice President, John Brady; supports this bill stating healthcare and social service workers are five times more likely to experience workplace violence. They state that this bill will strengthen existing statutes by defining workplace violence and adding teeth to compliance, including timely reporting, in the way of Medicaid incentives. It is stated that this bill combined with SB 1 will provide safety for service providers and their patients as well as address the shortage of health care providers willing to work in these conditions.

The ARC, Director of Advocacy, Carol Scully; supports this bill stating specific support of Section 2 (a) and (c). It is stated that they recommend the timely reporting requirement be lowered to 5 calendar days to ensure a timelier response and prevention action. It is also stated that they recommend the required funding be added to the budget revisions/adjustment.

Aveanna Healthcare, Clinical Director, Kristina Rodriguez; supports this bill stating appreciation for the funding proposed to address the costs associated with implementing these safety measures. It is stated that they support Section 2 (b) and (c) as well as Section 3 (a). It is also stated that stagnant reimbursement rates make it difficult for home healthcare providers to compete with institutionalized settings.

Connecticut Association for Healthcare at Home, President and CEO, Tracy Wodatch; supports this bill with amendments stating, that the agency is pleased to see the funding outlined and specific support for Section 2 while recommending using the resource as guidance for training since many agencies already have their own training. It is stated that the Association strongly supports Section 3 and asks for funding to cover options beyond escorts

such as other personal safety mechanisms. It is stated that the funding suggestions be added to this year's budget adjustments.

The Connecticut Association of Health Care Facilities / Connecticut Center For Assisted Living (CAHCF/CCAL), President and CEO, Mathew Barrett;

supports this bill with a request for clarifying substitute language specifically in Section 1 to connect the new provisions to existing Connecticut law that has since 2011 (PA 11-175) set forth workplace violence prevention standards, and expanded in 2015 (PA 15-91) to require providers to annually submit report on workplace violence incidences occurring during the preceding calendar year. It is stated that imposing another set of requirements would cause confusion and pose an unnecessary burden on providers.

Connecticut Hospital Association; supports this bill with the request for technical changes. It is suggested that lines 6-8 of the bill be amended to align with existing federal law that expressly allows a hospital to utilize either the workplace violence prevention standards of Centers for Medicare & Medicaid Services (CMS) approved accrediting organizations or the workplace violence prevention standards of the Joint Commission.

Connecticut Nurses Association, President, Cassandra Esposito; supports this bill stating that 1 in 4 nurses report being physically assaulted while at work. It is stated that this bill addresses the issues of safety in the healthcare workforce by establishing workplace violence prevention standards, promoting safety training for home healthcare workers, incentivizing timely reporting of workplace violence incidents, and funding for escorts. It is stated that this bill will prioritize the safety and well-being of the healthcare workforce.

Elara Caring, Vice President of Behavioral Health Operations, Bree Sanca; supports this bill stating support for the bill's objectives to propose a consistent workplace safety training program. It is stated that they suggest flexibility in the requirements to allow agencies to use a certain set of guidelines over another depending on the type of patient served, agency or patient location, and caregiver experience level. It is stated that they strongly support the proposal for funding for escort services.

Hartford Healthcare, Senior System Director of Public Safety, Patrick Turek; supports this bill while also providing some revisions. It is stated that for sections 1 a and b, the legislation does not refer to one particular Joint Commission standard, but specifically codifies the legislator's intentions. It is also stated that staff can create specific training for the safety of healthcare workers based on best practices.

LeadingAge Connecticut, President, Mag Morelli; supports this bill with a request that the committee modify sections 1 and 2 to make them consistent with existing statutes and more adaptable with various types of healthcare providers. They also propose the reinstatement of a payment for a safety escort and would recommend extending this reimbursement option to other providers who send healthcare staff into the home.

Masters in Home Care, CEO/Co-Owner, Christopher Pankratz; supports this bill stating the long-term viability and sustainability of any safety initiative are dependent on adequate funding to be successful. It is stated that safety training and the use of escorts are critical to improving safety initiatives already in place. It is also stated to consider including funding for these important safety initiatives in the budget adjustments this year.

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Carley Van Buiten

Date: March 26, 2024