



Senate

General Assembly

File No. 147

February Session, 2022

Substitute Senate Bill No. 265

Senate, March 28, 2022

The Committee on Aging reported through SEN. MILLER of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING NOTICE OF STAFF-TO-PATIENT RATIOS,
ROOM TELEPHONE ACCESS AND ASBESTOS MITIGATION
MEASURES AT NURSING HOME FACILITIES.***

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

1 Section 1. Section 19a-562g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 (a) Each nursing home facility shall calculate on a daily basis, for the
4 purposes of posting the information required under subsection (b) of
5 this section, the total number of nurses and nurse's aides providing
6 direct patient care to residents of the nursing home facility. In
7 calculating the total number, a nursing home facility shall not include
8 any nurse or nurse's aide who is on transportation duty and who is not
9 providing direct patient care for the primary portion of his or her shift
10 or any nurse or nurse's aide who is categorized as a member of the
11 nursing home facility's management or administration and who is not
12 providing direct patient care for the primary portion of his or her shift.

13 (b) Each nursing home facility shall post, in accordance with 42 CFR
14 483.35(g), the following information on a daily basis at the beginning of
15 each shift, (1) on the facility's Internet web site, and (2) in a legible format
16 and in a conspicuous place readily accessible to and clearly visible by
17 residents, employees and visitors of the nursing home facility,
18 including, but not limited to, persons in a wheelchair:

19 [(1)] (A) Name of the nursing home facility;

20 [(2)] (B) Date;

21 [(3)] (C) Total number of [(A)] (i) advanced practice registered nurses,
22 [(B)] (ii) registered nurses, [(C)] (iii) licensed practical nurses, and [(D)]
23 (iv) nurse's aides, who will be responsible for direct patient care during
24 the shift;

25 [(4)] (D) Total number of hours such [(A)] (i) advanced practice
26 registered nurses, [(B)] (ii) registered nurses, [(C)] (iii) licensed practical
27 nurses, and [(D)] (iv) nurse's aides are scheduled to work during the
28 shift; and

29 [(5)] (E) Total number of nursing home facility residents.

30 (c) In addition to the information posted pursuant to subsection (b)
31 of this section, each nursing home facility shall post the following
32 information on a daily basis, at the beginning of each shift, (1) on the
33 facility's Internet web site, and (2) in a legible format and in a
34 conspicuous place readily accessible to and visible by residents,
35 employees and visitors of the nursing home facility, including, but not
36 limited to, persons in a wheelchair:

37 [(1)] (A) The minimum number of nursing home facility staff per shift
38 that is required by the regulations of Connecticut state agencies to be
39 responsible for providing direct patient care to residents of the nursing
40 home facility; and

41 [(2)] (B) The telephone number or Internet web site that a resident,
42 employee or visitor of the nursing home facility may use to report a

43 suspected violation by the nursing home facility of a regulatory
44 requirement concerning staffing levels and direct patient care.

45 (d) Each nursing home facility shall, upon oral or written request,
46 make the daily information posted pursuant to subsections (b) and (c)
47 of this section available to the public for review. The nursing home
48 facility shall retain such information for not less than eighteen months
49 from the date such information was posted.

50 Sec. 2. Section 19a-509f of the general statutes is amended by adding
51 subsections (c) and (d) as follows (*Effective July 1, 2022*):

52 (NEW) (c) No owner or operator of a residential care home, nursing
53 home or rest home shall charge a resident for the installation, use or
54 maintenance of a landline phone to make local calls.

55 (NEW) (d) A residential care home or rest home shall provide at least
56 one landline phone in good working order in any common area of such
57 home. A nursing home shall provide a landline phone in good working
58 order in any resident room upon request by a resident for exclusive use
59 by such resident or persons authorized by such resident to use such
60 phone.

61 Sec. 3. Section 19a-536 of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective July 1, 2022*):

63 Each nursing home administrator, as defined in section 19a-511, shall
64 permit [patients in] residents and patients of the nursing home, relatives
65 and legal representatives of, and any other person designated by, such
66 residents and patients and persons interested in placing someone in a
67 nursing home to inspect all inspection reports pertaining to nursing
68 home facilities made by the Department of Public Health, the State Fire
69 Marshal, local fire and health departments or other state and local
70 agencies having jurisdiction over the institution, and all summary
71 copies of current inspection reports of the United States Department of
72 Health and Human Services as provided in the Social Security Act, [,
73 and shall] If such reports do not contain information on asbestos and

74 asbestos abatement, as those terms are defined in section 19a-332, each
 75 nursing home facility shall disclose in writing (1) whether any asbestos
 76 exists in the facility, and if asbestos does exist in the facility, the location
 77 of the asbestos, and (2) any asbestos abatement scheduled to occur in
 78 the facility, the dates and times such abatement will occur and steps to
 79 ensure the safety of nursing home facility residents and patients during
 80 such asbestos abatement. Each nursing home facility shall provide a
 81 room adequate for [such] inspection of reports and disclosures during
 82 normal business hours, provided no such reports, disclosures or copies
 83 thereof shall disclose the name of any resident or patient in any nursing
 84 home facility. Such nursing home administrator shall post or cause to be
 85 posted in a conspicuous place in the nursing home facility a notice
 86 stating that such reports and disclosures are available for inspection and
 87 the location where they may be inspected.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	19a-562g
Sec. 2	July 1, 2022	19a-509f
Sec. 3	July 1, 2022	19a-536

Statement of Legislative Commissioners:

In Section 2(d), "such phone" was changed to "a landline phone" for clarity and in Section 3, "'asbestos" and "asbestos abatement", as defined" was changed to "asbestos and asbestos abatement, as those terms are defined", for consistency with drafting conventions.

AGE *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Social Services, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in a cost to the Department of Social Services (DSS) associated with nursing home or residential care home costs for resident telephone installation and use. The cost is dependent on the extent to which such landlines are not currently provided and accounted for in cost reports.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 265*****AN ACT CONCERNING NOTICE OF STAFF-TO-PATIENT RATIOS, ROOM TELEPHONE ACCESS AND ASBESTOS MITIGATION MEASURES AT NURSING HOME FACILITIES.*****SUMMARY**

This bill makes various changes affecting nursing homes and residential care homes (RCHs, which include rest homes). Principally, it:

1. requires nursing homes to post daily on their websites, instead of only on-site, the number of direct care nursing staff working each shift, minimum direct care staffing state requirements, and contact information to report suspected staffing violations;
2. prohibits nursing homes and RCHs from charging residents to install, use, or maintain a landline phone to make local calls;
3. requires (a) RCHs to provide at least one working landline phone in common areas of the facility and (b) nursing homes to provide a working landline phone in a resident's room, upon the resident's request, for exclusive use by the resident and authorized individuals; and
4. requires nursing homes to disclose to potential and current residents the presence of asbestos, its location, any scheduled abatement, and steps the facilities will take to ensure resident safety during the abatement.

EFFECTIVE DATE: July 1, 2022

POSTING DAILY NURSE STAFFING INFORMATION

The bill requires nursing homes to post daily on their websites the

following information in accordance with federal regulations:

1. nursing home name, the date, and total number of residents;
2. total number of advanced practice registered nurses, registered nurses, licensed practical nurses, and nurse's aides responsible for direct patient care during the shift; and
3. total number of hours these nursing staff are scheduled to work during the shift.

Additionally, the bill requires nursing homes to post the following information on their websites:

1. minimum number of direct-care nursing staff per shift required by state public health regulations and
2. telephone number or website that a resident, employee, or visitor may use to report a suspected violation of these staffing requirements.

The above information must be posted online at the beginning of each shift. Existing law, unchanged by the bill, also requires nursing homes to post the information on-site, in a legible format and in a conspicuous place readily accessible to, and clearly visible by, residents, employees, and visitors, including those in a wheelchair. They must also (1) make the information available for public review upon request and (2) retain it for at least 18 months after its posting.

ASBESTOS DISCLOSURE

By law, nursing homes must allow prospective and current residents, and their relatives, legal representatives, and other designated people, to inspect the facility's inspection reports issued by any state or local agency (e.g., the Department of Public Health or State Fire Marshall), or the U.S. Department of Health and Human Services.

Under the bill, if these inspection reports do not contain information on asbestos and its abatement, nursing homes must disclose in writing

to these individuals:

1. if asbestos exists in the facility, and if so, its location;
2. the dates and times of any scheduled asbestos abatement; and
3. steps the facility is taking to ensure resident safety during the abatement.

The bill requires facilities to provide an adequate room for individuals to inspect the disclosures during normal business hours, provided they remove residents' names from the documents. Facilities must also post a notice on-site stating that the disclosures are available for inspection and the location for inspecting them. (Existing law already requires facilities to do this for inspection reports.)

COMMITTEE ACTION

Aging Committee

Joint Favorable

Yea 11 Nay 5 (03/10/2022)