

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-254

AN ACT REQUIRING LONG-TERM CARE FACILITY RESIDENTS TO UNDERGO A CRIMINAL HISTORY AND SEXUAL OFFENDER REGISTRY

Title: SEARCH.

Vote Date: 3/25/2022

Vote Action: Joint Favorable Substitute

PH Date: 3/9/2022

File No.:

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SPONSORS OF BILL:

The Public Health Committee

REASONS FOR BILL:

The original raised bill required long term care facility residents to undergo a background check focused on criminal and sexual offender incidents.

Substitute language changed the bill to establish a task force to study methods to ensure the safety of residents and staff with a resident who appears on either a criminal and/or sexual offender registry. Chairpersons of the task force include members representing an alliance in Connecticut to end sexual violence, and a member of an association of health care employees in New England. The staff of the Public Health Committee will provide administrative support to the task force which is required to report its findings to the Public Health Committee by January 1, 2023.

RESPONSE FROM ADMINISTRATION/AGENCY:

Manisha Juthani, MD., Commissioner CT Department of Public Health (DPH):

All residents of long-term care facilities have an expectation that all physical, spiritual, psychosocial, and mental needs are met. The facility must have a plan of care in place to ensure these expectations are met. Delays in completing these background checks could have unintended consequences. DPH recommends that the department oversight for this responsibility be switched to the facilities who can use public-facing websites to acquire this information. DPH's role in this scenario would be one of compliance oversight.

Deborah Del Prete Sullivan, Legal Counsel, CT Division of Public Defender Services:

Ms. Del Prete asks that no action be taken on this bill as it is overly broad and could potentially disqualify anyone from admission to a Long-Term Care (LTC) facility. Unless the list of disqualifying offenses is reduced, the office of the Public Defender opposes action on this bill.

NATURE AND SOURCES OF SUPPORT:

There was no testimony in favor.

NATURE AND SOURCES OF OPPOSITION:

Mag Morelli, President, Leading Age CT

Recommends that the committee convene a workgroup to study this issue. While in favor of any effort to ensure the safety of residents and staff in LTC settings, this bill has language deficits that make the bill problematic. Also, a current issue involving access to timely turnaround of background checks, where fingerprints can only be taken at 12 police barracks suggests that this effort be reworked through the proposed workgroup to develop the most efficient method for ensuring the safety of residents and staff.

Matt Barrett, Connecticut Association of Health Care Facilities (CAHFC):

While well intentioned, the bill is overly broad, placing significant responsibility on LTC providers. The fact that there are no time limitations placements will be unnecessarily delayed. Finally, CAHCF opposes the bill without language absolving LTC facilities from the costs of the background checks.

Kathleen Flaherty, Executive Director, CT Legal Rights Project

We have spent the last several years reforming the legal system, recognizing the systemic problems disproportionately impacting people of color. This bill could potentially deprive people of needed care due to past offenses and reinforce inequities from past interactions with the legal system.

Lucy Nolan, Director of Policy and Public Relations, CT Alliance to End Sexual Violence

Prospective residents should not be denied long term housing based solely on their registry status. Standardizing basic facility safety practices and policies ensuring adequate staffing are more effective methods for reducing instances of sexual violence.

Other Testimony in Opposition

Cindy Prizio, Executive Director, One Standard of Justice
Jason Wasserman, President, Restorative Action Alliance
Tina Yeitz, President, CT Association of Residential Care Homes
Jess Zaccagnino, ACLU CT

Reported by: David Rackliffe, Asst. Clerk

Date: April 5, 2022