



House of Representatives

General Assembly

File No. 450

January Session, 2023

House Bill No. 6298

House of Representatives, April 5, 2023

The Committee on Public Health reported through REP. MCCARTHY VAHEY of the 133rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING PAYMENT OF CIVIL PENALTIES BY NURSING HOMES AND RESIDENTIAL CARE HOMES.

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

- 1 Section 1. (NEW) (*Effective July 1, 2023*) A nursing home facility or
2 residential care home on which a civil penalty has been imposed under
3 sections 19a-524 to 19a-528, inclusive, of the general statutes shall pay
4 such penalty, pursuant to section 19a-526 of the general statutes, from
5 moneys set aside by the nursing home facility or residential care home
6 for administrative costs and expenses of the nursing home facility or
7 residential care home.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2023</i>	New section
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PH Joint Favorable

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:** None**Municipal Impact:** None**Explanation**

The bill, which specifies that nursing homes and residential care homes (RCHs) must pay certain fines from funding set aside for administrative costs and expenses, has no fiscal impact to the state.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**HB 6298*****AN ACT CONCERNING PAYMENT OF CIVIL PENALTIES BY NURSING HOMES AND RESIDENTIAL CARE HOMES.*****SUMMARY**

This bill requires a nursing home or residential care home (RCH) against which the Department of Public Health (DPH) has assessed a civil penalty for violating state laws related to its licensure, operation, or maintenance, to pay the penalty from moneys set aside for the home's administrative costs and expenses.

EFFECTIVE DATE: July 1, 2023

BACKGROUND***Nursing Home and RCH Citations and Civil Penalties***

By law, the DPH commissioner may immediately issue a citation if a review, inspection, or investigation reveals that a nursing home or RCH violated a statute or regulation related to its licensure, operation, or 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 resident and carry a civil penalty of up to \$20,000 for nursing homes and \$5,000 for RCHs. 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 for nursing homes and \$3,000 for RCHs (CGS §§ 19a-524, -527 & -527a).

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 (CGS §§ 19a-524 to -529).

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 27 Nay 10 (03/20/2023)