House of Representatives

General Assembly

File No. 24

January Session, 2025

Substitute House Bill No. 6774

House of Representatives, February 27, 2025

The Committee on Aging reported through REP. GARIBAY of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING LONG-TERM CARE FACILITY EMPLOYEE BACKGROUND CHECKS.

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

Section 1. Subsections (a) to (c), inclusive, of section 19a-491c of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) As used in this section:

(1) "Criminal history and patient abuse background search" or "background search" means (A) a review of the registry of nurse's aides maintained by the Department of Public Health pursuant to section 20-102bb, (B) checks of state and national criminal history records conducted in accordance with section 29-17a, and (C) a review of any other registry specified by the Department of Public Health which the department deems necessary for the administration of a background search program.

(2) "Direct access" means physical access to a patient or resident of a long-term care facility that affords an individual with the opportunity to commit abuse or neglect against or misappropriate the property of a patient or resident.

(3) "Disqualifying offense" means a conviction of (A) any crime described in 42 USC 1320a-7(a)(1), (2), (3) or (4), (B) a substantiated finding of neglect, abuse or misappropriation of property by a state or federal agency pursuant to an investigation conducted in accordance with 42 USC 1395i-3(g)(1)(C) or 42 USC 1396r(g)(1)(C), or (C) a conviction of any crime described in section 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-321, 53a-322 or 53a-323.

(4) "Long-term care facility" means any facility, agency or provider that is a nursing home, as defined in section 19a-521, a residential care home, as defined in section 19a-521, a home health care agency, hospice agency or home health aide agency, as defined in section 19a-490, an assisted living services agency, as defined in section 19a-490, an intermediate care facility for individuals with intellectual disabilities, as defined in 42 USC 1396d(d), except any such facility operated by a Department of Developmental Services' program subject to background checks pursuant to section 17a-227a, a chronic disease hospital, as defined in section 19a-490, or an agency providing hospice care which is licensed to provide such care by the Department of Public Health or certified to provide such care pursuant to 42 USC 1395x.

(b) The Department of Public Health shall create and implement a criminal history and patient abuse background search program, within available appropriations, in order to facilitate the performance, processing and analysis of the criminal history and patient abuse background search of **[**individuals who have direct access**]** (1) any individual (A) to whom a long-term care facility will extend an offer of employment, or (B) with whom a long-term care facility will enter into a contract for the provision of long-term care services, and (2) any volunteers who have direct access.

(c) (1) Except as provided in subdivision (2) of this subsection, each

long-term care facility, prior to extending an offer of employment to, or entering into a contract for, the provision of long-term care services with any individual, **[**who will have direct access,**]** or prior to allowing any individual to begin volunteering at such long-term care facility when the long-term care facility reasonably expects such volunteer will regularly perform duties that are substantially similar to those of an employee with direct access, shall require that such individual submit to a background search. The Department of Public Health shall prescribe the manner by which (A) long-term care facilities perform the review of (i) the registry of nurse's aides maintained by the department pursuant to section 20-102bb, and (ii) any other registry specified by the department, including requiring long-term care facilities to report the results of such review to the department, and (B) individuals submit to state and national criminal history records checks, including requiring the Department of Emergency Services and Public Protection to report the results of such checks to the Department of Public Health.

(2) No long-term care facility shall be required to comply with the provisions of this subsection if (A) the individual provides evidence to the long-term care facility that such individual submitted to a background search conducted pursuant to subdivision (1) of this subsection not more than three years immediately preceding the date such individual applies for employment, seeks to enter into a contract or begins volunteering with the long-term care facility and that the prior background search confirmed that the individual did not have a disqualifying offense, or (B) the commissioner determines the need to temporarily suspend the requirements of this subsection in the event of an emergency or significant disruption. The commissioner shall inform the long-term care facility when the commissioner has suspended the requirements of this subsection pursuant to subparagraph (B) of this subdivision and when such suspension is rescinded.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2025*	19a-491c(a) to (c)

AGE *Joint Favorable Subst.*

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 26 $	FY 27 $
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal
Department of Emergency Services and Public Protection	GF - Potential Cost	Minimal	Minimal
Department of Emergency Services and Public Protection	Applicant Fingerprint Card Submission Account - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 26 $	FY 27 $
Various Municipal Police Departments	Potential Revenue Gain	Minimal	Minimal

Explanation

The bill requires all prospective employees and contractors of long-term care facilities to submit to fingerprint-based state criminal history records checks, resulting in: (1) a potential cost to the Department of Emergency Services and Public Protection (DESPP), (2) a potential revenue gain to the General Fund,[1] and (3) a potential revenue gain to the Applicant Fingerprint Card Submission Account and various

[1]DESPP conducts state criminal history records checks for a fee of $75. The revenue that is collected from this fee is deposited into the General Fund.

municipal police departments[2] in FY 26 and FY 27. The potential cost to DESPP will depend on the extent to which the volume of new applicants for state criminal history checks increases department workload and impacts overtime. It is unknown how many employers already require such applicants to submit to such checks as a condition of employment.

There is no anticipated cost to the Department of Public Health as the existing long-term care background search program can accommodate any increase in background checks resulting from the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of state criminal history records checks performed.

[2]DESPP conducts fingerprinting for a fee of $15 fee per person paid to the Applicant Fingerprint Card Submission Account. Municipal police departments may also conduct the required fingerprinting for state criminal history records checks and typically charge a fee of $10 to $15.

OLR Bill Analysis

sHB 6774

AN ACT CONCERNING LONG-TERM CARE FACILITY EMPLOYEE BACKGROUND CHECKS.

SUMMARY

Existing law requires the Department of Public Health to implement a criminal history and patient abuse background search program for employees and volunteers at long-term care facilities.

This bill requires all prospective employees at these facilities (whether direct hires or contracted positions), not just those who will have direct access to patients or residents as under current law, to undergo a criminal history and patient abuse background check. It retains the existing requirement that volunteers have a background check if the facility reasonably expects their duties will be substantially similar to employees with direct access to patients or residents.

As under existing law, facilities do not have to require a background search for a prospective employee or volunteer if the person provides evidence that one occurred no more than three years immediately before the date of applying for the employment or volunteer position (and no disqualifying offense was revealed).

EFFECTIVE DATE: October 1, 2025

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute
Yea 14 Nay 0 (02/18/2025)