

# CONNECTICUT ASSOCIATION OF HEALTH CARE FACILITIES, INC.

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January 29, 2015

**Written testimony of Matthew V. Barrett, Executive Vice President of the Connecticut Association of Health Care Facilities (CAHCF), Inc.**

**Re: Proposed Bill No. 5257, AA REQUIRING NOTICE OF NURSING HOME RESIDENT ABUSE**

Good afternoon Senator Moore, Representative Abercrombie and to the members of the Human Services Committee. My name is Matthew V. Barrett, Executive Vice President of the Connecticut Association of Health Care Facilities (CAHCF), our state's one hundred and sixty-member trade association of skilled nursing facilities and rehabilitation centers. Thank you for this opportunity to offer testimony this afternoon concerning Proposed Bill No. 5257, AA REQUIRING NOTICE OF NURSING HOME RESIDENT ABUSE.

As the Human Services Committee deliberates on Proposed Bill No. 5257, CAHCF recommends that members carefully consider the existing federal and state law reporting requirements, which may address the bill's stated purpose to require immediate notification of substantiated nursing home abuse claims. Specifically:

- The Connecticut Public Health Code requires nursing homes to report allegations of patient abuse or an event that involves an abusive act to the Connecticut Department of Public Health under state law immediately/within 24 hours with a follow up within 72 hours: Regs. Conn. State Agencies 19-13-D8t.
- In addition, federal law requires nursing homes to report allegations of abuse, neglect, mistreatment and misappropriation immediately (defined as within 24 hours) to the DPH so the reporting occurs very timely. The nursing home must then follow up with additional information in 5 working days 42 CFR 483.13.
- Federal regulations exist already which require that nursing homes to notify family/responsible parties of any significant change in the resident's physical, mental or psychosocial status. Incidents of abuse, neglect etc are already reported by nursing homes to family members under this provision so this requirement is duplicative. 42 CFR 483.10(b)(11).
- See also DPH Form "Reportable Event Form" which is sent in to report such events has a line where the facility must indicate whether a family member was notified or not (attached).
- Also, under the Elder Justice Act, nursing homes must report all crimes or suspected crimes (which include abuse) to law enforcement within 24 hours and, if there has been a serious injury, within 2 hours.
- 17b-451. That statute currently provides that mandated reporters, including nursing home administrators, nurse aides, nurses or any other paid to care for a nursing home resident report to DSS any "reasonable cause to suspect or believe that any elderly person has been abused, neglected, exploited or abandoned...". 17b-407 has similar requirements

specific to Connecticut nursing homes. The reports made pursuant to these statutes are not always substantiated.

- See also DSS Form W-410 “Mandated Report Form for Long Term Care Facilities (attached).

CAHCF asks that these various requirements be reviewed to see if the facts and circumstances which triggered Proposed Bill No. 5257 could have been addressed by the proper enforcement of the existing rules before adding new reporting requirements under Connecticut Law.

I would be happy to answer any questions you may have.

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