CAHCF/CCAL
Connecticut Association of Health Care Facilities
Connecticut Center for Assisted Living

March 17, 2026

On behalf of the Connecticut Association of Health Care Facilities and the Connecticut Center For Assisted Living (CAHCF/CCAL), a trade association of skilled nursing facilities and assisted living communities, my name is Matthew Barrett, the association's President and CEO. Thank you for this opportunity to present testimony in opposition to, as drafted, Section 9of H.B. No. 5562 (RAISED) AN ACT CONCERNING VARIOUS REVISIONS TO HUMAN SERVICES STATUTES.

We are opposed to this unorthodox statutory construction where whole sections of the code of federal regulations (CFR), such as 42 CFR 483.45 and 42 CFR 483.10, with respect to the provision of anti-psychotic pharmaceuticals to a resident of a nursing home . . . . and informed consent to treatment" would be incorporated by an overly broad federal reference into undesignated existing or new provisions of the Connecticut General Statutes. Further, these incorporated references to the federal regulations codified in unspecified sections would "apply to the provisions of the general statutes in the same manner and with the same force and effect as if the language of the federal regulations had been incorporated in full into the general statutes." However, the provisions in Section 9 do not specify where in the Connecticut General Statutes these provisions would be codified either to a new or existing law. If adopted, this new law would be confusing to the residents, the regulated nursing homes and the public at large as to its meaning and application of both state and federal law.

For example, Connecticut's nursing home resident's rights law is codified under Section 19a-550 of the general statutes, and it includes provisions concerning informed consent to treatment. At once, 42 CFR 483.10 governs federal consent requirements and nursing homes must comply with these federal rules, however only a subsection governs consent, therefore this federal reference is too broad to incorporate by reference. It should be noted these federal rules are controlling under the U.S Constitutional Supremacy Clause. Therefore, a better approach to aligning the federal rules and state law in this example would be to specifically cite the

applicable federal provision, including the specific subsection citation, and amended CGS 19a-550 such that it reads the state statutory provision is "in accordance with" the federal provision and language as cited. In this type of construction, the state and federal law would be aligned in clear terms.

For these reasons, we are opposed to the bill as draft, but would be happy to participate in re-drafting the proposal along the lines expressed above.

For additional information on this testimony, please contact Matthew Barrett, President and CEO of CAHCF/CCAL, at mbarrett@cahcf.org.