



March 22, 2021

Written testimony of Matt Barrett, President and CEO of the Connecticut Association of Health Care Facilities / Connecticut Center for Assisted Living (CAHCF/CCAL) in opposition to S.B. No. 1029 (Raised) AN ACT CONCERNING CAUSES OF ACTION AGAINST LICENSED NURSING HOME FACILITIES FOR FAILURE TO MEET STANDARDS OF CARE RELATED TO COVID-19.

Thank you for this opportunity to submit written testimony on behalf of CAHCF/CCAL, a trade organization with a membership of 150 skilled nursing facilities and assisted living communities in Connecticut in opposition to **S.B. No. 1029 (Raised) AN ACT CONCERNING CAUSES OF ACTION AGAINST LICENSED NURSING HOME FACILITIES FOR FAILURE TO MEET STANDARDS OF CARE RELATED TO COVID-19.**

At the outset, we want to associate our CAHCF/CCAL testimony with the testimony in opposition to S.B. No. 1029 provided by Heather Berchem, a partner with the law firm Murtha Cullina LLC, our association's longstanding legal and regulatory consultant. The proposed bill would wrongly create a statutory right to bring a civil action in State court for any loss, damage, injury or death arising from exposure to or transmission of COVID-19 at a nursing home due to the failure of the nursing home to comply with, or negligence of such nursing home in complying with, any standard of care specified in guidance issued by the Connecticut Department of Public Health (DPH) or the National Centers for Disease Control and Prevention (CDC) applicable at the time.

CAHCF/CCAL has the view that the bill as written is vague and ambiguous and inappropriately gives agency guidance the force and effect of law or a standard of care. Furthermore, a longstanding and well developed right of action to sue for negligence already exists under common law and therefore passage of this bill is unnecessary to protect the rights of individuals to bring claims resulting from exposure to, or transmission of, COVID-19. The constantly changing guidance issued by DPH and the CDC during this pandemic lacks the clarity and certainty that negligence per se requires, and it would be very unfair should the bill's provisions be retroactive.

For additional information, please contact Matt Barrett at mbarrett@cahcf.org or 860-290-9424.