

CAHCF/CCAL

Connecticut Association of Health Care Facilities
Connecticut Center for Assisted Living

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WRITTEN TESTIMONY OF MATT BARRETT, PRESIDENT/CEO OF THE CONNECTICUT ASSOCIATION OF HEALTH CARE FACILITIES AND THE CONNECTICUT CENTER FOR ASSISTED LIVING (CAHCF/CCAL) ON S.B. NO. 254 AN ACT REQUIRING LONG-TERM CARE FACILITY RESIDENTS TO UNDERGO A CRIMINAL HISTORY AND SEXUAL OFFENDER REGISTRY SEARCH.

Senator Anwar, Representative Steinberg, distinguished members of the Public Health Committee. my name is Matt Barrett. I am the President and CEO of the Connecticut Association of Health Care Facilities and the Connecticut Center for Assisted Living (CAHCF/CCAL), a state trade association and advocacy organization of one-hundred and sixty skilled nursing facilities and assisted living communities. Thank you for this opportunity to submit testimony on S.B. No. 254 AN ACT REQUIRING LONG-TERM CARE FACILITY RESIDENTS TO UNDERGO A CRIMINAL HISTORY AND SEXUAL OFFENDER REGISTRY SEARCH.

CAHCF appreciates the intent of S.B 254 to ensure that dangerous individuals are not permitted admission to long term care facilities. However, as currently written, this bill is overly broad and will place significant burdens on both long-term care providers and individuals seeking admission to these settings.

The bill will require that any individual seeking admission to a long-term care facility undergo a criminal background check as a condition of admission and identifies a long list of disqualifying offenses that would require specific waiver from the Department of health in order for the person to be admitted to a long term care facility. While there are some exceptions to this requirement, further significant work needs to be done with this bill to ensure that it does not interfere with the ability of individuals to timely access to long term care facility services and place an undue burden on long term care providers who are already struggling with significant financial and staffing issues due to the pandemic.

The proposed definition of “disqualifying offenses” which would require specific waiver by the Department of Health is overly broad. These not only include serious offenses but also minor infractions such as breach of the peace, unlawful assembly, and robbery in the 3rd

degree. Additionally, there are no time limitations and while any of these disqualifying offenses can be waived by DPH, this requires specific action by the Department that will take time given the vast number of reports that will be generated. To be clear, these background checks would be required for every admission to every long term care facility, unless one had been done within the prior month. There are currently 209 Connecticut nursing homes and they typically admit and discharges thousands of patients each year. Adding all MRC and RCH admissions to that will overwhelm the system and cause significant delays that will have a serious detrimental effect on the ability of individuals to access long term care services. In our experience, state and federal background checks, which are currently required for certain long term care owners and employees can take up to three months to process.

While a long term care facility could admit a person on a conditional basis pending the results of the criminal background check, this would require that the provider place the individual under “constant supervision” during the conditional period which will place a significant strain on already historic staffing shortages. Additionally, the bill allows an exception for certain admissions, including those individuals sent to long term care facilities from the hospital for rehabilitation services but requires the background check to be performed as soon as practicable. Such conditional admissions are not practical under current federal and state regulations governing nursing homes. Current federal and state regulations place strict limitations on when a nursing home resident can be discharged once admitted to a facility. While exceptions exist for threats to health and safety of other residents, such discharges are subject to significant notice and appeal requirements before the individual can be discharged.

Finally, we would oppose passage of the bill unless a provision is added to ensure that any costs associated with the required background checks are not borne by long-term care facilities. Fees for such background checks are significant and, as noted above, facilities will be required to perform a significant number of such checks, placing enormous financial burdens on providers in addition to administrative burdens associated with ensuring compliance with these requirements.

Thank you again for this opportunity to testify on the bill as drafted. I would be happy to answer any questions you may have.

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