

CAHCF/CCAL

Connecticut Association of Health Care Facilities
Connecticut Center for Assisted Living

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Written testimony of Matthew V. Barrett, President and CEO of the Connecticut Association of Health Care Facilities / Connecticut Center For Assisted Living (CAHCF/CCAL) concerning H.B. No. 5335 AN ACT REQUIRING LONG-TERM CARE FACILITIES TO CONDUCT SEX OFFENDER BACKGROUND CHECKS ON STAFF AND RESIDENTS.

Good morning Senator Moore, Representative Abercrombie and to the distinguished members of the Human Services Committee. My name is Matt Barrett. I am President and CEO of the Connecticut Association of Health Care Facilities / Connecticut Center For Assisted Living (CAHCF/CCAL). CAHCF/CCAL is a one hundred and fifty member trade association of skilled nursing facilities and assisted living communities. Thank you for this opportunity to submit testimony on H.B. No. 5335 AN ACT REQUIRING LONG-TERM CARE FACILITIES TO CONDUCT SEX OFFENDER BACKGROUND CHECKS ON STAFF AND RESIDENTS.

H.B. No. 5335 requires, in addition to conducting a criminal history and patient abuse background search of prospective employees under current state law, that a long-term care facility must conduct a search of (1) the registry established and maintained pursuant to section 54-257 of the general statutes, and (2) the National Sex Offender Public Website maintained by the United States Department of Justice for the name of any person seeking admission as a resident or patient.

Further, the bill requires the administrative head of a long-term care facility, or the administrative head's designee, who admits as a resident or patient any person listed on (1) the registry established and maintained pursuant to section 54-257 of the general statutes, or (2) the National Sex Offender Public Website maintained by the United States Department of Justice to provide written notice of the admission of such resident or patient to each employee and resident of the facility not later than one business day after such admission.

H.B. 5335 also authorizes the Commissioner of Social Services to promulgate regulations that would alert the administrative head of any nursing home facility if a Medicaid

beneficiary seeking admission to such facility is listed on the registry established and maintained pursuant to section 54-257 or the National Sex Offender Public Website maintained by the United States Department of Justice.

CAHCF understands and appreciates the intent of the bill is to ensure that all nursing home residents and employees are immediately notified when a registered sex offender is admitted to the facility.

However, CAHCF/CCAL is concerned that this bill could have the effect of undermining the ability of individuals to timely access to long term care facility services they may be entitled to under state and federal law.

We also recommend further review and consideration as to whether the notice to residents contained in this bill would violate a residents' right to privacy of their personal and health information under state or federal law. Specifically, nursing home residents have the right to privacy and confidentiality regarding all personal and health information kept by the facility, as provided by federal and state laws. Residents have the right to approve or refuse the release of these records to anyone outside the facility, except when you are transferred to another health care institution or when the release of your records without your consent is otherwise required or permitted by law. In this regard, the bill is unclear on the critically important issue of whether disclosure means the resident's name must be disclosed, or only the existence of a resident who is on the registry.

We are also concerned that new background check requirements for all admissions may place an undue burden on long term care providers who are already struggling with significant financial and staffing issues due to the pandemic. It should be noted that Connecticut nursing homes typically admit and discharge thousands of residents annually and these new requirements have no associated increased funding.

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

For additional information, contact: Matthew V. Barrett, mbarrett@cahcf.org or 860-290-9424.