



General Assembly

February Session, 2022

***Raised Bill No. 254***

LCO No. 1905



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT REQUIRING LONG-TERM CARE FACILITY RESIDENTS TO UNDERGO A CRIMINAL HISTORY AND SEXUAL OFFENDER REGISTRY SEARCH.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective July 1, 2022*) (a) As used in this section:

2 (1) "Criminal history and sexual offender registry search" or  
3 "background search" means (A) state and national criminal history  
4 records checks conducted in accordance with section 29-17a of the  
5 general statutes, (B) a search of the National Sex Offender Public  
6 Website maintained by the United States Department of Justice and the  
7 registry established and maintained pursuant to section 54-257 of the  
8 general statutes, and (C) a review of any other registry specified by the  
9 Department of Public Health that the department deems necessary for  
10 the administration of a background search program.

11 (2) "Disqualifying offense" means a conviction of a crime described in  
12 section 53a-59, 53a-59a, 53-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-  
13 60c, 53a-61, 53a-61a, 53-61aa, 53a-62, 53a-64aa, 53a-64bb, 53a-64cc, 53a-  
14 70, 53a-70a, 53a-70c, 53a-71, 53a-72, 53a-72a, 53a-72b, 53a-73a, 53a-83b,

15 53a-86, 53a-90a, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-100aa, 53a-  
16 101, 53a-102, 53a-102a, 53a-103, 53a-103a, 53a-107, 53a-108, 53a-109, 53a-  
17 111, 53a-112, 53a-113, 53a-114, 53a-115, 53a-116, 53a-117, 53a-117a, 53a-  
18 117e, 53a-117f, 53a-117g, 53a-133, 53a-134, 53a-135, 53a-136, 53a-136a,  
19 53a-167c, 53a-167d, 53a-167e, 53a-175, 53a-176, 53a-177, 53a-178, 53a-  
20 179, 53a-179a, 53a-179b, 53a-179c, 53a-180, 53a-180a, 53a-180b, 53a-180c,  
21 53a-180aa, 53a-181, 53a-181a, 53a-181c, 53a-181d, 53a-181e, 53a-181f,  
22 53a-181i, 53a-181j, 53a-181k, 53a-181l, 53a-182, 53a-182b, 53a-183, 53a-  
23 183b, 53a-185, 53a-186, 53a-189a, 53a-189b, 53a-189c, 53a-192, 53a-192a,  
24 53a-223, 53a-223a, 53a-223b, 53a-223c, 53a-224, 53a-300, 53a-301, 53a-302,  
25 53a-304, 53a-321, 53a-322 or 53a-323 of the general statutes.

26 (3) "Long-term care facility" means a nursing home, as defined in  
27 section 19a-490 of the general statutes, a residential care home, as  
28 defined in section 19a-490 of the general statutes, or a managed  
29 residential community, as defined in section 19a-693 of the general  
30 statutes, that provides services offered by an assisted living services  
31 agency, as defined in section 19a-490 of the general statutes.

32 (b) Not later than January 1, 2023, the Department of Public Health,  
33 within available appropriations, shall create and implement a criminal  
34 history and sexual offender registry search program in order to facilitate  
35 the performance, processing and analysis of a background search of any  
36 person who is applying for admission or is otherwise to be admitted to  
37 a long-term care facility.

38 (c) (1) On and after January 1, 2023, except as provided in subdivision  
39 (2) of this subsection, each long-term care facility, prior to admitting a  
40 person as a resident to the long-term care facility, shall require that such  
41 person submit to a background search. The Department of Public Health  
42 shall prescribe the manner by which (A) long-term care facilities  
43 perform the review of any registry specified by the department,  
44 including requiring long-term care facilities to report the results of such  
45 review to the department, and (B) the person shall submit to a  
46 background search, including requiring the Department of Emergency  
47 Services and Public Protection to report the results of such background

48 search to the Department of Public Health.

49 (2) No long-term care facility shall be required to comply with the  
50 provisions of subdivision (1) of this subsection if (A) the person  
51 provides evidence to the long-term care facility that such person  
52 submitted to a background search conducted pursuant to subdivision  
53 (1) of this subsection not more than one month immediately preceding  
54 the date such person applies for admission as a resident of the long-term  
55 care facility and that the prior background search confirmed that the  
56 person did not have a disqualifying offense, (B) the long-term care  
57 facility operates with a mission to serve the justice-involved population,  
58 or (C) the person is being transferred from a hospital to the long-term  
59 care facility for the purpose of receiving rehabilitation services,  
60 provided the long-term care facility shall require that such person  
61 submit to a background search as soon as practicable after such person  
62 is admitted to the long-term care facility for receipt of such services.

63 (d) (1) The Department of Public Health shall review all reports  
64 provided to the department pursuant to subsection (c) of this section. If  
65 any such report contains evidence indicating that a person has a  
66 disqualifying offense, the department shall provide notice to the person  
67 and the long-term care facility indicating the disqualifying offense and  
68 providing the person with the opportunity to file a request for a waiver  
69 pursuant to subdivision (2) of this subsection.

70 (2) A person may file a written request for a waiver with the  
71 department not later than thirty days after the date the department  
72 provides notice to the person pursuant to subdivision (1) of this  
73 subsection. The department shall mail a written determination  
74 indicating whether the department shall grant a waiver pursuant to  
75 subdivision (3) of this subsection not later than fifteen business days  
76 after the department receives the written request from the person,  
77 except that said time period shall not apply to any request for a waiver  
78 in which a person challenges the accuracy of the information obtained  
79 from the background search.

80 (3) The department may grant a waiver from the provisions of  
81 subsection (e) of this section to a person who identifies mitigating  
82 circumstances surrounding the disqualifying offense, including (A)  
83 inaccuracy in the information obtained from the background search, (B)  
84 lack of a relationship between the disqualifying offense and the  
85 residency for which the person has applied, (C) evidence that the person  
86 has pursued or achieved rehabilitation with regard to the disqualifying  
87 offense, or (D) that substantial time has elapsed since committing the  
88 disqualifying offense. The department and its employees shall be  
89 immune from liability, civil or criminal, that might otherwise be  
90 incurred or imposed, for good faith conduct in granting waivers  
91 pursuant to this subdivision.

92 (4) After completing a review pursuant to subdivision (1) of this  
93 subsection, the department shall notify in writing the long-term care  
94 facility to which the person has applied for admission as a resident (A)  
95 of any disqualifying offense and any information the person provided  
96 to the department regarding mitigating circumstances surrounding  
97 such offense, or of the lack of a disqualifying offense, and (B) whether  
98 the department granted a waiver pursuant to subdivision (3) of this  
99 subsection.

100 (e) No long-term care facility shall admit as a resident a person  
101 required to submit to a background search if the long-term care facility  
102 receives notice from the Department of Public Health that the person  
103 has a disqualifying offense in the person's background search and the  
104 department has not granted a waiver pursuant to subdivision (3) of  
105 subsection (d) of this section. A long-term care facility may, but is not  
106 obligated to, admit as a resident a person who was granted a waiver  
107 pursuant to said subdivision.

108 (f) (1) Except as provided in subdivision (2) of this subsection, a long-  
109 term care facility shall not admit as a resident any person required to  
110 submit to a background search until the long-term care facility receives  
111 notice from the Department of Public Health pursuant to subdivision (4)  
112 of subsection (d) of this section.

113 (2) A long-term care facility may admit as a resident a person  
114 required to submit to a background search on a conditional basis before  
115 the long-term care facility receives notice from the department that such  
116 person does not have a disqualifying offense, provided the following  
117 conditions have been met: (A) The period of residency on a conditional  
118 basis shall last not more than sixty days, except the sixty-day time  
119 period may be extended by the department to allow for the filing and  
120 consideration of a written request for a waiver of a disqualifying offense  
121 filed by a person pursuant to subsection (d) of this section, (B) the long-  
122 term care facility has begun the review required under subsection (c) of  
123 this section and the person has submitted to a background check  
124 pursuant to subsection (c) of this section, (C) the person is subject to  
125 constant supervision by staff of the long-term care facility during the  
126 course of such conditional residency period, and (D) the person, in a  
127 signed statement (i) affirms that the person has not committed a  
128 disqualifying offense, and (ii) acknowledges that a disqualifying offense  
129 reported in the background search required by subsection (c) of this  
130 section shall constitute good cause for removal from residency and a  
131 long-term care facility may remove the person from residency if a  
132 disqualifying offense is reported in such background search.

133 (g) Records and information with respect to any person that are  
134 obtained by the Department of Public Health pursuant to this section  
135 shall not be subject to disclosure under section 1-210 of the general  
136 statutes.

137 (h) The Commissioner of Public Health shall adopt regulations, in  
138 accordance with the provisions of chapter 54 of the general statutes, to  
139 implement the provisions of this section. The commissioner may  
140 implement policies and procedures consistent with the provisions of  
141 this section while in the process of adopting such policies and  
142 procedures as regulation, provided the commissioner shall publish  
143 notice of intention to adopt regulations on the eRegulations System not  
144 later than twenty days after the date of implementation. Such policies  
145 and procedures shall be valid until the time final regulations are  
146 effective.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	New section

**Statement of Purpose:**

To require long-term care facility residents to undergo a criminal history and sexual offender registry search.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*