



General Assembly

Substitute Bill No. 6627

January Session, 2023



**AN ACT CONCERNING THE OFFICE OF THE ATTORNEY GENERAL'S
PROPOSED REMEDIES FOR DEFICIENT LONG-TERM CARE.**

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

1 Section 1. (NEW) (*Effective July 1, 2023*) As used in this section and
2 sections 2 and 3 of this act:

3 (1) "Nursing home" has the same meaning as provided in section
4 19a-490 of the general statutes;

5 (2) "Resident" means any person who resides in a nursing home;

6 (3) "Violation" means each instance that a violation of any federal or
7 state statute, rule or regulation occurs resulting in a final
8 determination or order by the Commissioner of Public Health
9 pursuant to section 19a-525 of the general statutes;

10 (4) "Bodily injury" means substantial impairment of the physical
11 condition including, but not limited to, any disease, burn, fracture of
12 any bone, subdural hematoma, injury to any internal organ or any
13 injury which occurs as the result of repeated harm to any bodily
14 function or organ, including human skin;

15 (5) "Person" means any natural person, corporation, limited liability
16 company, firm, association, organization, partnership, business, trust

17 or other legal entity or any natural person having at least a ten per cent
18 ownership interest in any corporation, limited liability company, firm,
19 association, organization, partnership, business, trust or other legal
20 entity; and

21 (6) "State" means the state of Connecticut, any agency or department
22 of the state or any quasi-public agency, as defined in section 1-120 of
23 the general statutes.

24 Sec. 2 (NEW) (*Effective July 1, 2023*) (a) No person shall:

25 (1) Engage in any act or practice resulting in a violation by a nursing
26 home that results in, or has the potential to result in, bodily injury to a
27 resident; or

28 (2) Conspire to commit a violation of this section.

29 (b) Any person who violates the provisions of subsection (a) of this
30 section shall be liable to the state for: (1) A civil penalty of not less than
31 five thousand five hundred dollars or more than eleven thousand
32 dollars, or as adjusted from time to time by the federal Civil Penalties
33 Inflation Adjustment Act of 1990, 28 USC 2461, which civil penalty
34 shall be reduced by the amount of any civil penalty imposed and paid
35 for such violation pursuant to sections 19a-525 and 19a-526 of the
36 general statutes, (2) three times the amount of damages that the state
37 sustains because of the act of that person, and (3) the costs of
38 investigation and prosecution of such violation. Liability under this
39 section shall be joint and several for any violation of this section
40 committed by two or more persons.

41 Sec. 3. (NEW) (*Effective July 1, 2023*) (a) The Attorney General may
42 investigate any suspected violation of subsection (a) of section 2 of this
43 act and, in connection with such investigation, issue subpoenas and
44 written interrogatories in the same manner and to the same extent as
45 provided in section 35-42 of the general statutes. Any information
46 obtained pursuant to such an investigation shall be exempt from
47 disclosure under section 1-210 of the general statutes. If the Attorney

48 General finds that a person has violated or is violating any provision of
49 subsection (a) of section 2 of this act, the Attorney General may bring a
50 civil action in the superior court for the judicial district of Hartford
51 under this section in the name of the state against such person. The
52 Attorney General may seek in any such civil action injunctive or
53 declaratory relief. Nothing in this section shall preclude the filing of
54 any action brought by the Attorney General or a private party
55 pursuant to any other state law or any action by any state agency.

56 (b) A civil action under this section may not be brought more than
57 six years after the date of a final determination or order by the
58 Commissioner of Public Health pursuant to section 19a-525 of the
59 general statutes that is the basis of a violation of subsection (a) of
60 section 2 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	New section

HS

Joint Favorable Subst. C/R

APP