



**TESTIMONY OF  
CONNECTICUT HOSPITAL ASSOCIATION  
SUBMITTED TO THE  
HUMAN SERVICES COMMITTEE  
Thursday, February 16, 2023**

**HB 6386, An Act Concerning Safeguarding The Rights, Health, Finances And Quality Of Life Of Nursing Home Residents**

The Connecticut Hospital Association (CHA) appreciates this opportunity to submit testimony concerning **HB 6386, An Act Concerning Safeguarding The Rights, Health, Finances And Quality Of Life Of Nursing Home Residents**. CHA opposes section 4 of the bill.

Connecticut hospitals continue to meet the challenges posed by the COVID-19 pandemic and are now facing new challenges of treating sicker patients than they saw before the pandemic, with a dedicated but smaller workforce who are exemplary but exhausted. They are also experiencing significant financial hardships brought on by record inflation. Through it all, hospitals have been steadfast, providing high-quality care for everyone who walks through their doors, regardless of ability to pay.

Section 4 of HB 6386 would permit the Commissioner of the Department of Public Health (DPH) to impose on any institution, including hospitals, a fine for any violation of a statute or regulation. This is concerning for two major reasons. First, there are elaborate, and well-crafted statutes in place that track the state's Uniform Administrative Procedure Act (aka Chapter 54 or UAPA) that already describe, in intricate detail, the circumstances and processes DPH has available for issuing orders and fines directed to licensed facilities. See, for example, the existing statutes starting at section 19a-524 that expressly include how DPH may fine a nursing home, and the due process protections that must be observed.

Second, other sections of HB 6386 are focused entirely on nursing homes. CHA questions whether the intent of the bill was to apply the new fines component to hospitals. If the intent was to apply the bill to hospitals, CHA opposes this section.

If it was not intended to apply to hospitals or the numerous other entities licensed under section 19a-490 of the general statutes, CHA requests the language be clarified.

If the intent was to apply the bill to hospitals, CHA opposes this proposal because:

- The Commissioner has existing statutory powers to revoke, suspend, or censure a license, and to order compliance or place a hospital on probation

- Imposing fines should be a targeted and specific option that has significant structure and clarity, with the primary focus to maintain safety and improve quality, which can be better achieved through more cooperative and voluntary means
- Imposing fines as a general approach to compliance runs counter to the existing statutory framework, and will create higher use of administrative proceedings, appeals, as well as trigger more declaratory ruling proceedings – requiring more DPH staff and creating unnecessary expense
- Using fines as a way to improve patient safety and quality is not consistent with evidence-based consensus among patient safety and quality improvement experts. Punitive measures do not improve the quality of care

Thank you for your consideration of our position. For additional information, contact CHA Government Relations at (203) 294-7310.