



**AN ACT CONCERNING NURSING HOME STAFFING LEVELS.**

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

1 Section 1. Section 19a-522 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 [(a) On or before December 1, 1975, the commissioner shall, in  
4 accordance with chapter 54, adopt regulations]

5 (a) The Commissioner of Public Health shall adopt regulations, in  
6 accordance with chapter 54, concerning the health, safety and welfare  
7 of patients in nursing home facilities, classification of violations  
8 relating to such facilities, medical staff qualifications, record-keeping,  
9 nursing service, dietary service, personnel qualifications and general  
10 operational conditions.

11 (b) (1) As used in this subsection, "direct care" means hands-on-care  
12 provided to residents of nursing home facilities, including, but not  
13 limited to, feeding, bathing, toileting, dressing, lifting and moving  
14 such residents, but does not include food preparation, housekeeping or  
15 laundry services, except when such services are required to meet the  
16 needs of any such resident on an individual situational basis.

17 (2) The Department of Public Health shall not issue a license to or  
18 renew the license of a nursing home facility unless such facility  
19 employs sufficient direct care provider staff needed to provide

20 continuous twenty-four-hour direct care services to meet the needs of  
21 each resident in such facility.

22 (3) Not later than October 1, 2002, each nursing home facility shall  
23 maintain aggregate direct care provider staffing levels at or above the  
24 following standards:

25 (A) During the day shift, one full-time employee for each five  
26 residents;

27 (B) During the evening shift, one full-time employee for each ten  
28 residents; and

29 (C) During the night shift, one full-time employee for each fifteen  
30 residents.

31 (4) Any licensed nursing home facility that fails to comply with the  
32 minimum staffing requirements of subdivision (3) of this subsection on  
33 any day shall submit a report to the department, identifying the day  
34 and the shift during which such noncompliance occurred and  
35 specifying the reasons for and circumstances surrounding such  
36 noncompliance. The report required by this subdivision shall be  
37 submitted on a quarterly basis. If such facility fails to submit the report  
38 required by this subdivision or intentionally misrepresents the  
39 information contained in any such report, or if the commissioner  
40 determines that there is sufficient evidence to support a finding that  
41 there exists a pattern of noncompliance by such facility with the  
42 minimum staffing requirements of subdivision (3) of this subsection,  
43 the commissioner may take action against such facility in accordance  
44 with sections 19a-524 to 19a-528, inclusive.

45 [(b)] (c) Nursing home facilities may not charge the family or estate  
46 of a deceased self-pay patient beyond the date on which such patient  
47 dies. Nursing home facilities shall reimburse the estate of a deceased  
48 self-pay patient within sixty days after the death of such patient, for  
49 any advance payments made by or on behalf of the patient covering  
50 any period beyond the date of death. Interest, in accordance with

51 subsection (a) of section 37-1, on such reimbursement shall begin to  
52 accrue from the date of such patient's death.

53       Sec. 2. (NEW) (*Effective October 1, 2002*) The Department of Social  
54 Services shall reimburse nursing homes for the actual, allowable costs  
55 for direct care and indirect care at ninety-five per cent of actual  
56 allowable costs. For nursing homes in which Medicaid accounts for  
57 more than ninety per cent of patient days, the department shall  
58 reimburse such homes for an additional five per cent of allowable  
59 costs, excluding property and capital.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

**AGE**

*Joint Favorable Subst. C/R*

PH