



General Assembly

**Substitute Bill No. 135**

February Session, 2002

**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 Section 19a-522 of the general statutes is repealed and the  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 shall adopt regulations, in accordance with  
6 chapter 54, concerning the health, safety and welfare of patients in  
7 nursing home facilities, classification of violations relating to such  
8 facilities, medical staff qualifications, record-keeping, nursing service,  
9 dietary service, personnel qualifications and general operational  
10 conditions.

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

19 (2) The department shall not issue a license to or renew the license

20 of a chronic and convalescent nursing home or a rest home with  
21 nursing supervision unless such facility employs sufficient nursing  
22 personnel needed to provide continuous twenty-four-hour nursing  
23 care and services to meet the needs of each resident in such facility.

24 (3) Not later than October 1, 2002, each licensed chronic and  
25 convalescent nursing home and each licensed rest home with nursing  
26 supervision shall maintain aggregate licensed nurse and nurse's aide  
27 staffing levels at or above the following standards:

28 (A) Over a twenty-four-hour period, such facility shall provide not  
29 less than 1.66 hours of direct care per resident given by nurse's aides;  
30 and

31 (B) Over a twenty-four-hour period, such facility shall provide not  
32 less than 0.7 hours of direct care per resident given by licensed nurses.

33 (4) Not later than October 1, 2003, each licensed chronic and  
34 convalescent nursing home and each licensed rest home with nursing  
35 supervision shall maintain aggregate licensed nurse and nurse's aide  
36 staffing levels at or above the following standards:

37 (A) Over a twenty-four-hour period, such facility shall provide not  
38 less than 2.0 hours of direct care per resident given by nurse's aides;  
39 and

40 (B) Over a twenty-four-hour period, such facility shall provide not  
41 less than 0.75 hours of direct care per resident given by licensed  
42 nurses.

43 (5) The director of nurses for any such facility with a licensed bed  
44 capacity of sixty-one or greater shall not be included in meeting the  
45 requirements for direct care given by licensed nurses pursuant to  
46 subparagraph (B) of subdivision (3) of this subsection and  
47 subparagraph (B) of subdivision (4) of this subsection. Any such  
48 facility with a licensed bed capacity of one hundred twenty-one or  
49 greater shall employ a full-time assistant director of nurses who shall

50 not be included in meeting the requirements for direct care given by  
51 licensed nurses pursuant to subparagraph (B) of subdivision (3) of this  
52 subsection and subparagraph (B) of subdivision (4) of this subsection.

53 (6) Any licensed chronic and convalescent nursing home or licensed  
54 rest home with nursing supervision that fails to comply with the  
55 minimum staffing requirements of subdivisions (3) and (4) of this  
56 subsection on any day shall submit a report to the department,  
57 identifying the day on which and the shift during which such  
58 noncompliance occurred and specifying the reasons for and  
59 circumstances surrounding such noncompliance. The report required  
60 by this subdivision shall be submitted on a quarterly basis. If such  
61 facility fails to submit any report required by this subdivision or  
62 intentionally misrepresents the information contained in any such  
63 report, or if the commissioner determines that there is sufficient  
64 evidence to support a finding that there exists a pattern of  
65 noncompliance by such facility with the minimum staffing  
66 requirements of subdivisions (3) and (4) of this subsection, the  
67 commissioner may take action against such facility in accordance with,  
68 but not limited to, sections 19a-524 to 19a-528, inclusive.

69 [(b)] (c) Nursing home facilities may not charge the family or estate  
70 of a deceased self-pay patient beyond the date on which such patient  
71 dies. Nursing home facilities shall reimburse the estate of a deceased  
72 self-pay patient within sixty days after the death of such patient, for  
73 any advance payments made by or on behalf of the patient covering  
74 any period beyond the date of death. Interest, in accordance with  
75 subsection (a) of section 37-1, on such reimbursement shall begin to  
76 accrue from the date of such patient's death.

77 Sec. 2. (NEW) (Effective October 1, 2002) The Department of Social  
78 Services shall reimburse nursing homes for the actual, allowable costs  
79 for direct care and indirect care at ninety-five per cent of actual  
80 allowable costs. For nursing homes in which Medicaid accounts for  
81 more than ninety per cent of patient days, the department shall  
82 reimburse such homes for an additional five per cent of allowable

