



General Assembly

February Session, 2008

Committee Bill No. 5072

LCO No. 3602

03602HB05072HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT IMPROVING NURSE STAFFING RATIOS.

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

1 Section 1. (NEW) (*Effective July 1, 2008*) (a) As used in this section,
2 (1) "direct care" means hands-on care provided to residents of chronic
3 and convalescent nursing homes, including, but not limited to,
4 feeding, bathing, toileting, dressing, lifting and moving such residents,
5 but does not include (A) food preparation, housekeeping or laundry
6 services, except when such services are required to meet the needs of
7 any such resident on an individual situational basis, and (B) care
8 provided by paid feeding assistants, as defined in 42 CFR 488.301; (2)
9 "licensed nurse" means a person licensed under chapter 378 of the
10 general statutes, as a registered nurse or a licensed practical nurse; and
11 (3) "nurse's aide" means an individual providing nursing or nursing-
12 related services to residents in a chronic and convalescent nursing
13 home, but does not include an individual who is a health professional
14 otherwise licensed or certified by the Department of Public Health, or
15 who volunteers to provide such services without monetary
16 compensation.

17 (b) (1) For the period from October 1, 2008, to December 31, 2008,

18 the Department of Public Health shall require each chronic and
19 convalescent nursing home to provide total licensed nurse and nurse's
20 aide personnel at or above the following standards: From 12:00 a.m. to
21 11:59 p.m., 3.5 hours of direct care per resident;

22 (2) For the period from January 1, 2009, to April 30, 2009, the
23 department shall require each chronic and convalescent nursing home
24 to provide total licensed nurse and nurse's aide personnel at or above
25 the following standard: From 12:00 a.m. to 11:59 p.m., 3.9 hours of
26 direct care per resident; and

27 (3) On and after May 1, 2009, the department shall require each
28 chronic and convalescent nursing home to provide total licensed nurse
29 and nurse's aide personnel at or above the following standard: From
30 12:00 a.m. to 11:59 p.m., 4.2 hours of direct care per resident.

31 (c) As part of the required 4.2 total number of hours of direct care
32 provided on and after May 1, 2009, there shall be a minimum staffing
33 ratio of:

34 (1) From 7:00 a.m. to 3:00 p.m., one full-time nurse's aide for each
35 five residents;

36 (2) From 3:00 p.m. to 11:00 p.m., one full-time nurse's aide for each
37 ten residents; and

38 (3) From 11:00 p.m. to 7:00 a.m., one full-time nurse's aide for each
39 fifteen residents.

40 Sec. 2. (NEW) (*Effective July 1, 2008*) (a) (1) In order to determine
41 whether chronic and convalescent nursing homes are in compliance
42 with the minimum direct care staffing hours specified in subsection (b)
43 of section 1 of this act on and after October 1, 2008, and the minimum
44 staffing ratios specified in subsection (c) of section 1 of this act on and
45 after May 1, 2009, during any annual inspection or follow-up
46 inspection, the Department of Public Health shall request copies of
47 each inspected facility's census records, schedules and payroll records

48 for the month immediately preceding the inspection. The Department
49 of Public Health shall compare schedules and payroll records to
50 determine whether or not the facility is in compliance with the
51 minimum direct care staffing standards pursuant to subsections (b)
52 and (c) of section 1 of this act. In making such determination, the
53 Department of Public Health shall exclude from its calculation any
54 hours paid but not worked, such as vacation time, sick time, personal
55 time or other form of paid time off, but shall include any hours worked
56 by temporary or agency staff.

57 (2) For the cost report year beginning October 1, 2009, and annually
58 thereafter, the Department of Social Services shall calculate the average
59 hours of direct care per resident per day at each facility by using the
60 statistics reported on the Medicaid cost reports submitted annually to
61 the department pursuant to section 17b-340 of the 2008 supplement to
62 the general statutes and dividing the total number of resident days
63 reported by the total number of licensed and unlicensed direct care
64 hours reported, exclusive of any hours reported as administrative for
65 licensed and unlicensed staff, the result of which calculation shall be
66 the average number of hours of direct care per resident per day on
67 average over the cost year. The department shall provide such
68 calculations to the Department of Public Health to assist the
69 Department of Public Health in determining compliance with the
70 direct care staffing hours required in subsection (b) of section 1 of this
71 act.

72 (b) If the Department of Public Health determines that a facility is
73 not in compliance with the minimum direct care staffing hours
74 specified in subsection (b) of section 1 of this act or the minimum direct
75 care staffing ratios specified in subsection (c) of section 1 of this act, the
76 department shall notify such facility of such finding and require such
77 facility to file a report with the department not later than fourteen days
78 after the date of such notice explaining (1) why the facility was not in
79 compliance at the time of determination, and (2) the facility's plan of
80 correction. If subsequent inspections or information reveal that the

81 facility has not implemented the plan of correction to meet the
82 minimum direct care staffing hours or minimum direct care staffing
83 ratios, the facility shall be required to file monthly staffing reports with
84 the department for a period of not less than one year after such finding
85 of noncompliance, or until three months after such facility is found in
86 compliance, whichever is longer.

87 (c) Upon receipt of any complaint against a facility by any person
88 alleging inadequate staff to meet the minimum direct care staffing
89 hours or minimum direct care staffing ratios, the Department of Public
90 Health shall inspect the records of such facility for the specific day,
91 days or period cited in such complaint.

92 Sec. 3. (NEW) (*Effective July 1, 2008*) On and after January 1, 2009,
93 and annually thereafter, the Department of Public Health shall issue a
94 report to the joint standing committees of the General Assembly
95 having cognizance of matters relating to human services and public
96 health on the average direct care staffing hours per resident per day
97 and minimum direct care staffing ratios for each chronic and
98 convalescent nursing home in the state, highlighting any that did not
99 meet the standards required pursuant to section 1 of this act.

100 Sec. 4. (NEW) (*Effective July 1, 2008*) The State Long-Term Care
101 Ombudsman or his or her designee may inspect the resident care
102 schedules and payroll records of any chronic and convalescent nursing
103 home during a visit to such facility to: (1) Advocate for one or more
104 residents; (2) respond to a complaint or inquiry; or (3) meet with a
105 resident council or family council. The Office of the Long-Term Care
106 Ombudsman shall report any lack of compliance with the mandated
107 minimum direct care staffing standards specified in section 1 of this
108 act to the Departments of Social Services and Public Health for further
109 action.

110 Sec. 5. (NEW) (*Effective July 1, 2008*) If a chronic or convalescent
111 nursing home fails to comply with the minimum direct care staffing
112 standards established pursuant to section 1 of this act, the

113 Commissioner of Social Services may recover all or any part of the
114 Medicaid funding allocated to such facility for the specific and
115 targeted purpose of increasing direct care staffing at such facility. Such
116 facility shall be allowed to retain a portion of the funds allocated to
117 improve its staffing ratio during the relevant time period as
118 determined by the commissioner.

119 Sec. 6. (NEW) (*Effective July 1, 2008*) In addition to any other
120 disclosures required under any provision of the general statutes, on
121 and after May 1, 2009, each chronic and convalescent nursing home
122 shall maintain and make publicly available information about staffing
123 schedules and ratios as follows:

124 (1) Each chronic and convalescent nursing home shall post for each
125 unit of the facility and for each shift the current number of licensed
126 and unlicensed nursing staff directly responsible for resident care and
127 the current ratios of residents to staff, which show separately the
128 number of residents to licensed nursing staff and the number of
129 residents to certified nurse's aides. This information shall be displayed
130 on a uniform form supplied by the Department of Public Health.

131 (2) Such information shall be posted for the most recently concluded
132 cost reporting period in the form of average daily staffing ratios for
133 that period.

134 (3) Such information shall be posted in a manner that is visible and
135 accessible to all residents, their families, caregivers and potential
136 consumers in each facility.

137 (4) A poster provided by the Department of Public Health that
138 describes the minimum staffing standards and ratios required
139 pursuant to section 1 of this act shall be posted in the same vicinity.

140 (5) A list, in at least 48-point type, showing the first and last names
141 of nursing staff on duty shall be posted at the beginning of each shift
142 prominently on each unit.

143 Sec. 7. (NEW) (Effective July 1, 2008) The Department of Public
144 Health shall adopt regulations in accordance with the provisions of
145 chapter 54 of the general statutes, to implement the provisions of
146 sections 1, 2 and 6 of this act.

147 Sec. 8. (Effective July 1, 2008) The sum of ten million dollars is
148 appropriated to the Department of Social Services, from the General
149 Fund, for the fiscal year ending June 30, 2009, for the purpose of
150 improving nursing staffing ratios in chronic and convalescent nursing
151 homes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2008	New section
Sec. 2	July 1, 2008	New section
Sec. 3	July 1, 2008	New section
Sec. 4	July 1, 2008	New section
Sec. 5	July 1, 2008	New section
Sec. 6	July 1, 2008	New section
Sec. 7	July 1, 2008	New section
Sec. 8	July 1, 2008	New section

Statement of Purpose:

To improve nursing staffing levels in chronic and convalescent nursing homes, to provide greater enforcement and accountability measures for failure to comply with minimum staffing standards and to improve public awareness of minimum nursing staffing standards.

[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.]

Co-Sponsors: REP. AMANN, 118th Dist.; SEN. PRAGUE, 19th Dist.
REP. MORRIS, 140th Dist.

H.B. 5072