



General Assembly

February Session, 2008

**Raised Bill No. 388**

LCO No. 1856

\*01856\_\_\_\_\_AGE\*

Referred to Committee on Select Committee on Aging

Introduced by:  
(AGE)

**AN ACT CONCERNING DIRECT CARE PROVIDER STAFFING LEVELS  
IN NURSING HOMES.**

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 nursing  
3 home facilities, including, but not limited to, feeding, bathing,  
4 toileting, dressing, lifting and moving such residents, but does not  
5 include food preparation, housekeeping or laundry services, except  
6 when such services are required to meet the needs of any such resident  
7 on an individual situational basis. Direct care shall not include care  
8 provided by paid feeding assistants, as defined in 42 CFR 488.301; and  
9 (2) "nursing home facility" means a chronic and convalescent nursing  
10 home or rest home with nursing supervision.

11 (b) On and after January 1, 2009, each nursing home facility shall  
12 maintain direct care provider staffing levels at or above the following  
13 levels:

14 (1) During the day shift, one full-time employee for each five  
15 residents;

16 (2) During the evening shift, one full-time employee for each ten  
17 residents;

18 (3) During the night shift, one full-time employee for each fifteen  
19 residents.

20 (c) Any nursing home facility that fails to comply with the direct  
21 care provider staffing levels required under subsection (b) of this  
22 section on any day shall submit a report to the Department of Public  
23 Health, identifying the day on which and the shift during which such  
24 noncompliance occurred and specifying the reasons for and  
25 circumstances surrounding such noncompliance. The report required  
26 by this subdivision shall be submitted on a quarterly basis. If such  
27 facility fails to submit any report required by this subdivision or  
28 intentionally misrepresents the information contained in any such  
29 report, or if the Commissioner of Public Health determines that there is  
30 sufficient evidence to support a finding that there exists a pattern of  
31 noncompliance by such facility with the direct care provider staffing  
32 levels required under subsection (b) of this section, the commissioner  
33 shall take action against such facility in accordance with sections 19a-  
34 524 to 19a-528, inclusive, of the general statutes, as amended by this  
35 act, or may take such other action as authorized under the general  
36 statutes.

37 (d) In addition, the Commissioner of Public Health may, in  
38 accordance with the provisions of section 19a-494 of the general  
39 statutes, take disciplinary action against a nursing home facility that,  
40 without just cause, has substantially failed to comply with the direct  
41 care provider staffing levels required under subsection (b) of this  
42 section. The commissioner may, in accordance with the provisions of  
43 section 19a-494 of the general statutes, revoke or suspend the license of  
44 a nursing home facility if the commissioner determines that such  
45 facility has engaged in a continuous pattern of failing to comply with  
46 such direct care provider staffing levels.

47 (e) The direct care provider staffing levels required under

48 subsection (b) of this section are minimum direct care provider staffing  
49 levels for a nursing home facility. At the time of an inspection, the  
50 department shall calculate the amount of hours provided by direct care  
51 providers at such facility to the total number of care hours required by  
52 subsection (f) of this section.

53 (f) At the time of any inspection of a nursing home facility, the  
54 Department of Public Health shall assess residents' care needs to  
55 ensure that sufficient numbers and levels of direct care providers are  
56 provided by a facility to meet required resident care needs. Such  
57 assessment shall be based on the 1995 and 1997 Staff Time  
58 Measurement (STM) Studies, published by the federal Centers for  
59 Medicare and Medicaid Services, that determine the nursing minutes  
60 needed to care for each resident as ranked in the Resource Utilization  
61 Group-III, resident classification system, provided the department  
62 shall update the basis of such assessment upon the publication of the  
63 2008 Staff Time and Resource Intensity Verification (STRIVE) Project,  
64 or any subsequent version of the federal staff time measurement study  
65 or any subsequent reclassification of such resource utilization group.  
66 In making such assessment of residents' care needs, the department  
67 shall use the data results of the last full resident assessment of such  
68 facility as required by the federal Centers for Medicare and Medicaid  
69 Services Minimum Data Set. The department shall compare the total  
70 number of care hours required by the category scores for such resource  
71 utilization group to the amount of care actually provided by direct care  
72 providers at such facility. If such total number of care hours actually  
73 provided is less than such number of care hours required by the  
74 Resource Utilization Group-III, the department shall review the  
75 methodology used by such facility to determine the number,  
76 experience and qualifications of nursing personnel necessary to meet  
77 residents' care needs.

78 (g) The Commissioner of Public Health shall adopt regulations, in  
79 accordance with chapter 54, to carry out the provisions of this section.

80 Sec. 2. Section 19a-524 of the general statutes is repealed and the  
81 following is substituted in lieu thereof (*Effective July 1, 2008*):

82 If, upon review, investigation or inspection pursuant to section 19a-  
83 498, the Commissioner of Public Health determines that a nursing  
84 home facility has violated any provision of section 17b-406, 19a-521 to  
85 19a-529, inclusive, 19a-531 to 19a-551, inclusive, or 19a-553 to 19a-555,  
86 inclusive, section 19a-491a, 19a-491b, 19a-493a [or] 19a-528a, or section  
87 1 of this act or any regulation in the Public Health Code or regulation  
88 relating to licensure or the Fire Safety Code relating to the operation or  
89 maintenance of a nursing home facility, which violation has been  
90 classified in accordance with section 19a-527, he shall immediately  
91 issue or cause to be issued a citation to the licensee of such nursing  
92 home facility. Governmental immunity shall not be a defense to any  
93 citation issued or civil penalty imposed pursuant to sections 19a-524 to  
94 19a-528, inclusive. Each such citation shall be in writing, shall provide  
95 notice of the nature and scope of the alleged violation or violations and  
96 shall be sent by certified mail to the licensee at the address of the  
97 nursing home facility in issue. A copy of such citation shall also be sent  
98 to the licensed administrator at the address of the facility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	19a-524

**Statement of Purpose:**

To increase the minimum staffing levels of direct care providers in nursing homes.

*[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.]*