



## Connecticut Department of Public Health

### Testimony Presented Before the Human Services Committee

March 3, 2016

Commissioner Raul Pino, M.D., M.P.H.  
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### Senate Bill No. 278 - An Act Concerning Nursing Home Facility Minimum Staffing Levels

The Department of Public Health provides the following information in regards to Raised Bill No. 278.

Nursing homes that participate in the Medicare and Medicaid programs are certified with the Centers for Medicare and Medicaid Services (CMS), and annual recertification is required for continued participation. Certification inspections are conducted in order to assess compliance with the Code of Federal Regulations (CFR). The Department of Public Health, in addition to its licensing authority, is contracted as the agent for CMS to conduct certification inspections in Connecticut.

Section 483.30(a) of the CFR directs that the facility must have sufficient nursing staff to provide nursing and related services so as to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care. Additionally, the nursing home must assure that sufficient qualified nursing staff are available on a daily basis to meet patients' needs for nursing care in a manner and in an environment which promotes each resident's physical, mental and psychosocial well-being, thus enhancing their quality of life.

The proposed language will increase the minimum number of qualified social worker or social work designee hours per week. As previously noted, as a condition of participation with the Medicare and Medicaid programs, facilities must comply with section 483.15(g)(1) of the CFR, which addresses the provision of medically related social services. While the CFR does not prescribe minimum social service staffing numbers, it does direct that nursing home facilities must provide medically-related social services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, and regardless of size must offer medically related social services based on a resident/patient's assessed needs.

During the course of licensure and certification inspection activities, staffing patterns are reviewed for compliance with the regulations of CT State Agencies and the CFR. But more importantly, observations are made and interviews with patients and families are conducted to ensure that adequate staffing and social services are in place to meet the needs of the patients. Should non-compliance be identified, a deficiency is issued and the facility must respond with a plan of correction which identifies the measures that shall be taken to remedy the issue.

The proposed language also requires the Commissioner to adopt regulations to establish a requirement for nursing home facilities to record the number of nursing staff hours available on site to provide direct care

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to residents, along with a definition of the term direct care. All of Connecticut's 229 nursing homes are licensed and certified as Medicare/Medicaid providers. The existing Federal regulations direct the nursing homes to have adequate staffing rather than direct minimum staffing levels in the areas of direct care and social services. Therefore, requiring the Commissioner of Public Health to adopt or amend regulations would be duplicative. It is important to note that nursing staffing numbers are assessed during the course of all inspection activities conducted by the Department. In surveys conducted in calendar year 2015, zero violations were identified as it relates to non-compliance with current minimum staffing levels. Should this bill move forward, the Department respectfully requests changing the "shall" to a "may" in section 1 (d) to afford the Department the ability to determine the need for regulations.

Section 2 of this bill mandates a nursing home to hire a social worker to work a certain amount of hours, depending on the number of beds occupied by patients. Section 483.15(g)(1) of the Code of Federal Regulations mandates a nursing home that has 120 beds or more to employ a full time social worker. While completing our inspections, the Department identified this deficiency on 16 surveys during calendar year 2015.

The Department recognizes the importance of staffing, both for direct care and medically related social services, to meet the needs of patients and residents. The Department would welcome further discussion with members of the Human Services Committee to determine how best to accomplish the goals of this proposed legislation.

Thank you for your consideration of the Department's views on this bill.