

# Public Health Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-375

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

**Vote Date:** 3/29/2019

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/25/2019

**File No.:**

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## **SPONSORS OF BILL:**

Public Health Committee

## **REASONS FOR BILL:**

To ensure the wellbeing of nursing home residents. SB 375 requires nursing homes to calculate and post in a conspicuous, on-site place, the total number of nurses and nurse aides who will have direct patient contact for each shift. Additional posted information must include the minimal number of required staff for each shift, the total number of nursing home residents, a phone number or website to report suspected violations, and other pertinent information. All posted information must be retained by the nursing home for at least 18 months.

If a nursing home is found to have violated direct patient care or nursing staff levels, the Department of Public Health may take disciplinary action against the home and issue a citation which must be posted on-site. Additionally, the legislation prohibits discrimination and retaliation against any employee or resident who reports suspected violations or cooperates in investigative proceedings. If a home is found to have violated this regulation, it is required to reinstate any employee or restore living situations for any resident affected by the violation. The nursing home is also liable for treble damages to any such employee or resident.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Raul Pino, Commissioner, Connecticut Department of Public Health (DPH):**

DPH serves as the state agency authorized to conduct certification inspections of nursing homes in Connecticut. This includes homes participating in Medicare and Medicaid programs which require annual recertification to ensure continued compliance with the Code of Federal

Regulations (CFR) as well as regulations of Connecticut state agencies. The Code directs homes to have sufficient qualified nursing staff during each shift to ensure resident wellbeing. Inspections for compliance include staffing patterns and interviews with home residents and their families. If insufficient staffing patterns are discovered, the nursing home is required to respond with a remedial plan.

Nursing homes participating in Medicare and Medicaid programs electronically submit their payroll data to the Centers for Medicare and Medicaid Services (CMS). Data includes the total number of hours direct patient services were provided. As a result of such reporting, it was found that weekend staffing at nursing homes is nationally insufficient. While CMS informs authorized state agencies of low staffing levels, as a precaution, DPH will also increase weekend inspections to ensure compliance. The Department also welcomes a discussion with the Public Health Committee for other recommendations that may assist with ensuring adequate staffing compliance.

**Mairead Painter, State Long Term Care Ombudsman, Department of Rehabilitation Services (DORS):**

In her capacity as the State Ombudsman, Ms. Painter provides services to ensure the rights and wellbeing of residents at long term facilities. The proposed legislation requires that nursing homes provide reporting of adequate staff to ensure resident wellbeing. This data is already available through CMS. Hours worked for each shift are included and sorted into categories that contain director of nursing, registered nurses, licensed practical nurses, certified nurse aides, medication aides, and nurse aides in training.

**Senate Democrats, Connecticut General Assembly:**

The proposed legislation is part of the 2019 Senate Democrats' legislative agenda. The importance of the bill lies in the evidence that adequate staffing at nursing homes provides for better patient outcomes. If an insufficiency in staffing is present, priorities of providing care may be inadvertently ignored and lead to avoidable hospitalizations. Families and potential residents should have access to and be able to understand information that may affect their future health.

**Martin Looney, Senator District 11, Connecticut General Assembly:**

Senator Looney acknowledges the importance of the reporting of nursing home staff levels by CMS. Equally important, he notes that although data required by SB 375 exists through the CMS Nursing Home Compare website, many consumers are not aware it exists and the site is difficult to navigate. Requiring nursing homes to post this data in an easily seen area is essential to ensure adequate patient care.

**Douglas McCrory, Senator District 2, Connecticut General Assembly:**

Senator McCrory recounts meetings with constituents who work in nursing homes and share with him their general concern of low staff to high resident ratio. He believes this bill is a positive step towards addressing these concerns.

## **NATURE AND SOURCES OF SUPPORT:**

### **Mag Morelli, President, LeadingAge Connecticut:**

Ms. Morelli supports the intent of the bill but states that the bill requires information that is already available as a result of CMS regulations. Rather, LeadingAge proposes legislative requirements for coordination of federal data with state data, promotion of the CMS Nursing Home Compare website, and a minimum staffing level requirement of 2.3 hours per day ratio. *Please see testimony for specific language.*

### **Jeanette Sullivan Martinez, President, Statewide Coalition of Presidents of Resident Councils:**

Ms. Sullivan has been a nursing home resident for over a decade and has witnessed the negative consequences of insufficient staffing. She states that occasionally there are two certified nurse aides providing care for 30 residents. The aides are not able to prioritize issues or address them adequately. Connecticut must meet the needs of residential patients.

### **Jesse Martin, Vice President, SEIU District 1199 New England:**

Mr. Martin supports the bill because it is a good start to a much needed conversation about the quality of care provided to the elderly in nursing homes. Most importantly, the transparency of staffing levels provides clarity and comfort to residents and their family members indicating the state is paying attention to their needs. Mr. Martin suggests that the state should also evaluate the lack of funding in the nursing home industry.

### **Nedra Williams, Certified Nursing Assistant (CNA), SEIU District 1199 New England:**

Ms. Nedra strongly supports the bill. Ms. Nedra works with Alzheimer patients and notes that besides their physical health, the staff must also be attentive to their mental and emotional needs. One of her patients does not have any friends or family who visit her. Her only company is the staff and sometimes the patient wants to talk and wants to cry. Ms. Nedra believes that it would be inhumane not to be able to comfort her patients during hardships because she must rush off to the next patient. She writes that emotional needs must not be disregarded, and encourages the Public Health Committee to vote favorably on the bill.

### **Additional sources of support include:**

Denice Panella, Registered Nurse, SEIU District 1199 New England  
Chelsea Daniels, Licensed Practical Nurse, SEIU District 1199 New England  
Adrienne Sewell, CNA, SEIU District 1199 New England  
Robert Santos, CNA, SEIU District 1199 New England  
Gloria Plummer, CNA, SEIU District 1199 New England  
Nancy Minarsky, CNA, SEIU District 1199 New England  
Lourdes Borrero, CNA, SEIU District 1199 New England

**NATURE AND SOURCES OF OPPOSITION:**

None provided.

**Reported by: Valentina Mehmeti**

**Date: 4/8/2019**