AN ACT CONCERNING NURSING HOME STAFFING LEVELS.

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

Section 1. (NEW) (Effective October 1, 2019) (a) As used in this section and sections 2 to 4, inclusive, of this act:

(1) "Discriminate or retaliate" includes, but is not limited to, the discharge, demotion, suspension or any other detrimental change in terms or conditions of employment, or the threat of any such action;

(2) "Nurse" means an advanced practice registered nurse, registered nurse or licensed practical nurse licensed pursuant to chapter 378 of the general statutes;

(3) "Advanced practice registered nurse" means an advanced practice registered nurse licensed pursuant to chapter 378 of the general statutes;

(4) "Registered nurse" means a registered nurse licensed pursuant to chapter 378 of the general statutes;

(5) "Licensed practical nurse" means a practical nurse licensed...
pursuant to chapter 378 of the general statutes;

(6) "Nurse's aide" means a nurse's aide registered pursuant to chapter 378a of the general statutes;

(7) "Nursing home" has the same meaning as provided in section 19a-490 of the general statutes; and

(8) "Transportation duty" means the responsibility of a nurse or nurse's aide to (A) ensure that a resident safely enters or exits from a vehicle that is transporting the resident to or from the nursing home, or (B) accompany the resident while he or she is being transported to or from the nursing home.

Sec. 2. (NEW) (Effective October 1, 2019) (a) Each nursing home shall calculate on a daily basis, for the purposes of posting the information required under subsection (b) of this section, the total number of nurses and nurse's aides providing direct patient care to residents of the nursing home. In calculating the total number, a nursing home shall not include any nurse or nurse's aide who is on transportation duty for any part of the workday or any nurse or nurse's aide who is categorized as a member of the nursing home's management or administration.

(b) Each nursing home shall post the following information on a daily basis at the beginning of each shift in a legible format, and in a conspicuous place readily accessible to and clearly visible by residents, employees and visitors of the nursing home, including, but not limited to, persons in a wheelchair:

(1) Name of the nursing home;

(2) Date;

(3) Total number of (A) advanced practice registered nurses, (B) registered nurses, (C) licensed practical nurses, and (D) nurse's aides, who will be responsible for direct patient care during the shift;
(4) Total number of hours such (A) advanced practice registered nurses, (B) registered nurses, (C) licensed practical nurses, and (D) nurse's aides are scheduled to work during the shift;

(5) Total number of nursing home staff per shift that is required by the regulations of Connecticut state agencies to be responsible for providing direct patient care to residents of the nursing home;

(6) Phone number or Internet web site that a resident, employee or visitor of the nursing home may use to report a suspected violation by the nursing home of a regulatory requirement concerning staffing levels and direct patient care; and

(7) Total number of nursing home residents.

(c) Each nursing home shall, upon oral or written request, make the daily information posted pursuant to subsection (b) of this section available to the public for review. The facility shall retain such information for not less than eighteen months from the date such information was posted.

(d) Any nursing home that is found by the Department of Public Health to have violated any regulatory requirement concerning staffing levels and direct patient care shall post, for not less than thirty calendar days, a legible notice stating the violation or violations in a conspicuous place, readily accessible to and clearly visible by residents, employees and visitors of the nursing home, including, but not limited to, persons in a wheelchair.

Sec. 3. (NEW) (Effective October 1, 2019) (a) If the Commissioner of Public Health finds that a nursing home has substantially failed to comply with a nursing home staffing level requirement established pursuant to the regulations of Connecticut state agencies, the commissioner may (1) take any disciplinary action against the nursing home permitted under section 19a-494 of the general statutes, and (2) issue or cause to be issued a citation to the licensee of such nursing
Committee Bill No. 375

home pursuant to the provisions of section 19a-524 of the general statutes.

(b) A violation of a nursing home staffing level requirement set forth in the regulations of Connecticut state agencies shall be (1) classified as a Class B violation pursuant to the provisions of section 19a-527 of the general statutes, and (2) prominently posted in the nursing home and included in the listing prepared by the Department of Public Health pursuant to the provisions of section 19a-540 of the general statutes.

Sec. 4. (NEW) (Effective October 1, 2019) (a) (1) No nursing home shall discriminate or retaliate in any manner against an employee of such nursing home because the employee submitted a complaint or initiated or cooperated in an investigation by or proceeding before a governmental entity relating to the care or services by, or the conditions in, such nursing home.

(2) A nursing home that violates any provision of this section by discriminating or retaliating against an employee shall reinstate the employee, if the employee was terminated from employment, and reimburse the employee for lost wages, lost work benefits and any reasonable legal costs incurred by the employee in pursuing the employee's rights under this section.

(b) (1) No nursing home shall discriminate or retaliate in any manner against a resident of such nursing home because the resident, or an individual on behalf of the resident, submitted a complaint or initiated or cooperated in an investigation by or proceeding before a governmental entity relating to the care or services by, or the conditions in, such nursing home.

(2) A nursing home or nursing home facility that violates any provision of this subsection shall restore the resident to his or her situation prior to such discrimination or retaliation, including his or her housing arrangement and other living conditions within the
nursing home, as appropriate, and reimburse any reasonable legal costs incurred by the resident, or an individual acting on behalf of the residents, in pursuing the resident's rights under this subsection.

This act shall take effect as follows and shall amend the following sections:

<table>
<thead>
<tr>
<th>Section</th>
<th>Effective Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 1</td>
<td>October 1, 2019</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 2</td>
<td>October 1, 2019</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 3</td>
<td>October 1, 2019</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 4</td>
<td>October 1, 2019</td>
<td>New section</td>
</tr>
</tbody>
</table>

Statement of Purpose:
To ensure adequate reporting of the numbers of nursing home staff.

[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:  SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.
SEN. MCCRARY, 2nd Dist.; SEN. CASSANO, 4th Dist.
SEN. COHEN, 12th Dist.; SEN. ABRAMS, 13th Dist.
SEN. OSTEN, 19th Dist.; SEN. MOORE, 22nd Dist.
SEN. BRADLEY, 23rd Dist.; SEN. KUSHNER, 24th Dist.
SEN. HASKELL, 26th Dist.; SEN. LEONE, 27th Dist.
SEN. FLEXER, 29th Dist.; SEN. NEEDLEMAN, 33rd Dist.
SEN. FONFARA, 1st Dist.

S.B. 375