



AN ACT CONCERNING NURSING HOME FACILITY MINIMUM STAFFING LEVELS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section:

3 (1) "Registered nurse's aide" means a nurse's aide registered in
4 accordance with chapter 378a of the general statutes;

5 (2) "Daily minimum staffing ratio" means (A) two and three-tenths
6 hours of direct care per nursing home facility resident provided by
7 registered nurse's aides over a twenty-four-hour period, and (B) seven-
8 tenths of one hour of medical care per nursing home facility resident
9 provided by licensed nursing personnel over a twenty-four-hour
10 period;

11 (3) "Department" means the Department of Public Health;

12 (4) "Direct care" means hands-on care provided to a nursing home
13 facility resident by a registered nurse's aide, including, but not limited
14 to, providing assistance with feeding, bathing, toileting, dressing,
15 lifting or moving residents, but not physical or occupational therapy,
16 medication administration, food preparation, housekeeping or laundry
17 services;

18 (5) "Licensed nursing personnel" means nurses licensed in
19 accordance with chapter 378 of the general statutes; and

20 (6) "Nursing home facility" means a chronic or convalescent nursing
21 home.

22 (b) On and after October 1, 2019, the Commissioner of Public Health
23 shall require each nursing home facility to maintain a daily minimum
24 staffing ratio as defined in subsection (a) of this section. The daily
25 minimum staffing ratio shall not include break, vacation, sick,
26 personal, training, educational or other time that is not spent on direct
27 care or medical care provided to a nursing home facility resident.

28 (c) The Commissioner of Public Health shall require each nursing
29 home facility to maintain a daily record of (1) the number of residents
30 at such facility, (2) the number of registered nurse's aides scheduled
31 and available to provide direct care, (3) the number of licensed nursing
32 personnel scheduled and available to provide medical care, and (4)
33 whether a sufficient number of registered nurse's aides and licensed
34 nursing personnel are scheduled and available to comply with the
35 requirements of this section. Each nursing home facility shall file
36 quarterly reports not later than fifteen days after the start of the
37 quarters commencing in January, April, July and October of each year
38 with the department on the number and percentage of days in the
39 preceding quarter that such facility has failed to comply with the
40 provisions of this section and the reasons therefore.

41 (d) The Commissioner of Public Health shall require each nursing
42 home facility to post the daily record required pursuant to subsection
43 (c) of this section in a conspicuous place in the nursing home facility
44 along with (1) a copy of this section, and (2) information about how to
45 report a violation of the provisions of this section to the department
46 and the Office of the Long-Term Care Ombudsman.

47 (e) The Commissioner of Public Health may randomly audit a
48 nursing home facility for compliance with the provisions of this section

49 and take any disciplinary action against the facility permitted under
50 section 19a-494 of the general statutes for failure to comply with the
51 provisions of this section.

52 (f) Notwithstanding the provisions of section 17b-340 of the general
53 statutes, the Commissioner of Social Services, within available
54 appropriations, shall adjust the Medicaid rate for any nursing home
55 facility that provides evidence satisfactory to the commissioner that such
56 facility has incurred increased costs to comply with the provisions of
57 this section. The rate adjustment shall cover any such costs incurred on
58 or after October 1, 2019.

59 (g) The Commissioner of Public Health, in accordance with the
60 provisions of chapter 54 of the general statutes, shall adopt or amend
61 regulations to implement the provisions of this section, including, but
62 not limited to, apportioning the daily minimum staffing ratio from
63 seven o'clock a.m. to nine o'clock p.m. and nine o'clock p.m. to seven
64 o'clock a.m. The commissioner may adopt policies and procedures to
65 implement the provisions of this section in advance of the regulations
66 provided such policies and procedures are posted on the department's
67 Internet web site and the e-Regulations System at least thirty days
68 prior to adoption.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Subsec. (b), "pursuant to" was changed to "as defined in" for accuracy.

HS *Joint Favorable Subst.*