



General Assembly

Amendment

January Session, 2019

LCO No. 8232



Offered by:
SEN. DAUGHERTY ABRAMS, 13th Dist.

To: Subst. Senate Bill No. 375

File No. 758

Cal. No. 371

"AN ACT CONCERNING NURSING HOME STAFFING LEVELS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2019*) As used in this section
4 and sections 2 and 3 of this act:

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

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

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

13 (4) "Licensed practical nurse" means a practical nurse licensed

14 pursuant to chapter 378 of the general statutes;

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

17 (6) "Nursing home facility" has the same meaning as provided in
18 section 19a-521 of the general statutes;

19 (7) "Transportation duty" means the responsibility of a nurse or
20 nurse's aide to accompany the resident while he or she is being
21 transported to or from the nursing home facility;

22 (8) "Direct patient care" means any care of a patient that is provided
23 personally by a nursing home facility staff member and includes, but is
24 not limited to, treatment, counseling, self-care and the administration
25 of medication; and

26 (9) "Primary portion of his or her shift" means six or more hours of
27 an eight-hour shift.

28 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) Each nursing home
29 facility shall calculate on a daily basis, for the purposes of posting the
30 information required under subsection (b) of this section, the total
31 number of nurses and nurse's aides providing direct patient care to
32 residents of the nursing home facility. In calculating the total number,
33 a nursing home facility shall not include any nurse or nurse's aide who
34 is on transportation duty and who is not providing direct patient care
35 for the primary portion of his or her shift or any nurse or nurse's aide
36 who is categorized as a member of the nursing home facility's
37 management or administration and who is not providing direct patient
38 care for the primary portion of his or her shift.

39 (b) Each nursing home facility shall post, in accordance with 42 CFR
40 483.35(g), the following information on a daily basis at the beginning
41 of each shift, in a legible format and in a conspicuous place readily
42 accessible to and clearly visible by residents, employees and visitors of
43 the nursing home facility, including, but not limited to, persons in a

44 wheelchair:

45 (1) Name of the nursing home facility;

46 (2) Date;

47 (3) Total number of (A) advanced practice registered nurses, (B)
48 registered nurses, (C) licensed practical nurses, and (D) nurse's aides,
49 who will be responsible for direct patient care during the shift;

50 (4) Total number of hours such (A) advanced practice registered
51 nurses, (B) registered nurses, (C) licensed practical nurses, and (D)
52 nurse's aides are scheduled to work during the shift; and

53 (5) Total number of nursing home facility residents.

54 (c) In addition to the information posted pursuant to subsection (b)
55 of this section, each nursing home facility shall post the following
56 information on a daily basis, at the beginning of each shift, in a legible
57 format and in a conspicuous place readily accessible to and visible by
58 residents, employees and visitors of the nursing home facility,
59 including, but not limited to, persons in a wheelchair:

60 (1) The minimum number of nursing home facility staff per shift
61 that is required by the regulations of Connecticut state agencies to be
62 responsible for providing direct patient care to residents of the nursing
63 home facility; and

64 (2) The telephone number or Internet web site that a resident,
65 employee or visitor of the nursing home facility may use to report a
66 suspected violation by the nursing home facility of a regulatory
67 requirement concerning staffing levels and direct patient care.

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

73 Sec. 3. (NEW) (*Effective October 1, 2019*) (a) If the Commissioner of
74 Public Health finds that a nursing home facility has substantially failed
75 to comply with a nursing home facility staffing level requirement
76 established pursuant to the regulations of Connecticut state agencies,
77 the commissioner may (1) take any disciplinary action against the
78 nursing home facility permitted under section 19a-494 of the general
79 statutes, and (2) issue or cause to be issued a citation to the licensee of
80 such nursing home facility pursuant to the provisions of section 19a-
81 524 of the general statutes.

82 (b) A citation of a nursing home facility staffing level requirement
83 set forth in the regulations of Connecticut state agencies shall be
84 prominently posted in the nursing home facility and included in the
85 listing prepared by the Department of Public Health pursuant to the
86 provisions of section 19a-540 of the general statutes.

87 Sec. 4. Section 19a-532 of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective October 1, 2019*):

89 No nursing home facility or residential care home shall discharge or
90 in any manner discriminate or retaliate against any [patient in]
91 resident of any nursing home facility or residential care home, or any
92 relative, guardian, conservator or sponsoring agency thereof or against
93 any employee of any nursing home facility or residential care home or
94 against any other person because such [patient] resident, relative,
95 guardian, conservator, sponsoring agency, employee or other person
96 has filed any complaint or instituted or caused to be instituted any
97 proceeding under sections 17a-411, 17a-413, 19a-531 to 19a-534,
98 inclusive, 19a-536 to 19a-539, inclusive, 19a-550, 19a-553, [and] 19a-554
99 or section 2 of this act, or has testified or is about to testify in any such
100 proceeding or because of the exercise by such [patient] resident,
101 relative, guardian, conservator, sponsoring agency, employee or other
102 person on behalf of himself, herself or others of any right afforded by
103 said sections. Notwithstanding any other provision of the general
104 statutes, any nursing home facility or residential care home that
105 violates any provision of this section shall (1) be liable to the injured

106 party for treble damages, and (2) (A) reinstate the employee, if the
 107 employee was terminated from employment in violation of any
 108 provision of this section, or (B) restore the resident to his or her living
 109 situation prior to such discrimination or retaliation, including his or
 110 her housing arrangement or other living conditions within the nursing
 111 home facility or residential care home, as appropriate, if the resident's
 112 living situation was changed in violation of any provision of this
 113 section. For purposes of this section, "discriminate or retaliate"
 114 includes, but is not limited to, the discharge, demotion, suspension or
 115 any other detrimental change in terms or conditions of employment or
 116 residency, or the threat of any such action."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section
Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>October 1, 2019</i>	New section
Sec. 4	<i>October 1, 2019</i>	19a-532