

**AN ACT CONCERNING NURSING HOME FACILITY STAFFING  
LEVELS.**

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

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

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

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

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

11 (4) "Licensed practical nurse" means a practical nurse licensed  
12 pursuant to chapter 378 of the general statutes;

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

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

17 (7) "Transportation duty" means the responsibility of a nurse or  
18 nurse's aide to (A) ensure that a resident safely enters or exits from a  
19 vehicle that is transporting the resident to or from the nursing home

20 facility, or (B) accompany the resident while he or she is being  
21 transported to or from the nursing home facility.

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

31 (b) Each nursing home facility shall post, in accordance with 42 CFR  
32 483.35(g), the following information on a daily basis at the beginning  
33 of each shift, in a legible format and in a conspicuous place readily  
34 accessible to and clearly visible by residents, employees and visitors of  
35 the nursing home facility, including, but not limited to, persons in a  
36 wheelchair:

37 (1) Name of the nursing home facility;

38 (2) Date;

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

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

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

46 (c) In addition to the information posted pursuant to subsection (b)  
47 of this section, each nursing home facility shall post the following  
48 information on a daily basis, at the beginning of each shift, in a legible  
49 format and in a conspicuous place readily accessible to and visible by

50 residents, employees and visitors of the nursing home facility,  
51 including, but not limited to, persons in a wheelchair:

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

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

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

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

74 (b) A violation of a nursing home facility staffing level requirement  
75 set forth in the regulations of Connecticut state agencies shall be  
76 prominently posted in the nursing home facility and included in the  
77 listing prepared by the Department of Public Health pursuant to the  
78 provisions of section 19a-540 of the general statutes.

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

81 No nursing home facility or residential care home shall discharge or  
82 in any manner discriminate or retaliate against any [patient in]  
83 resident of any nursing home facility or residential care home, or any  
84 relative, guardian, conservator or sponsoring agency thereof or against  
85 any employee of any nursing home facility or residential care home or  
86 against any other person because such [patient] resident, relative,  
87 guardian, conservator, sponsoring agency, employee or other person  
88 has filed any complaint or instituted or caused to be instituted any  
89 proceeding under sections 17a-411, 17a-413, 19a-531 to 19a-534,  
90 inclusive, 19a-536 to 19a-539, inclusive, 19a-550, 19a-553, [and] 19a-554  
91 or section 2 of this act, or has testified or is about to testify in any such  
92 proceeding or because of the exercise by such [patient] resident,  
93 relative, guardian, conservator, sponsoring agency, employee or other  
94 person on behalf of himself, herself or others of any right afforded by  
95 said sections. Notwithstanding any other provision of the general  
96 statutes, any nursing home facility or residential care home that  
97 violates any provision of this section shall (1) be liable to the injured  
98 party for treble damages, and (2) (A) reinstate the employee, if the  
99 employee was terminated from employment in violation of any  
100 provision of this section, or (B) restore the resident to his or her living  
101 situation prior to such discrimination or retaliation, including his or  
102 her housing arrangement or other living conditions within the nursing  
103 home facility or residential care home, as appropriate, if the resident's  
104 living situation was changed in violation of any provision of this  
105 section. For purposes of this section, "discriminate or retaliate"  
106 includes, but is not limited to, the discharge, demotion, suspension or  
107 any other detrimental change in terms or conditions of employment or  
108 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