
OLR Bill Analysis

sSB 1026

AN ACT CONCERNING NURSING HOME STAFFING RATIOS.

SUMMARY

This bill requires the Department of Public Health (DPH) to modify minimum nursing home staffing requirements as follows:

1. increase minimum nurse staffing requirements (i.e., for registered and licensed practical nurses and nurse's assistants) incrementally from July 1, 2024, to January 1, 2026;
2. increase recreational staffing levels higher than the requirements prior to January 1, 2022, as the DPH commissioner deems appropriate; and
3. eliminate the requirement that the minimum staffing level for social workers vary proportionally based on the number of residents in the home.

Under the bill, the staffing requirements that take effect by July 1, 2024, remain in effect until DPH increases them to the levels set to take effect by January 1, 2026.

Additionally, the bill allows the DPH commissioner, starting July 1, 2024, to immediately issue a citation if a review, inspection, or investigation reveals that a nursing home has violated the bill's staffing requirements.

Under the bill, a violation is a Class B violation (see BACKGROUND) that subjects the home to various DPH disciplinary actions (e.g., license revocation or suspension, probation, or a corrective action plan) and a civil penalty of up to \$10,000.

Lastly, the bill (1) requires DPH to adopt regulations to implement

the bill's staffing requirements and related provisions on citations and (2) makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2024, except that the provisions on citations, Class B violations, and related DPH regulations take effect October 1, 2023.

NURSING HOME MINIMUM STAFFING REQUIREMENTS

Nursing Staff

Current law requires nursing homes to provide at least 3.0 hours of direct nursing care per resident per day (prpd). The bill (1) incrementally increases staffing requirements from July 1, 2024, to January 1, 2026, and (2) specifies the nursing personnel that must provide the care, as shown in the table below.

Table: Minimum Nurse Staffing Requirements Under the Bill

<i>Direct Care Personnel</i>	<i>By July 1, 2024</i>	<i>By January 1, 2026</i>
Registered nurses	0.66 hours prpd	0.75 hours prpd
Licensed practical nurses	0.49 hours prpd	0.54 hours prpd
Certified nurse's assistants	2.45 hours prpd	2.81 hours prpd
Total nurses and nurse assistant personnel	3.6 hours prpd	4.1 hours prpd

Social Worker Staff

The bill maintains current law's minimum staffing level requirement for social workers in nursing homes of one full-time social worker per 60 residents. But it eliminates the requirement that the number of hours based on this ratio vary proportionally based on the number of residents in the home (e.g., a home with 90 residents would require 1.5 full-time social workers instead of two).

Regulations

The bill requires the DPH commissioner to adopt regulations to implement the bill's nursing home staffing requirements. It eliminates the provision under current law that allows the commissioner to implement policies and procedures while in the process of adopting them as regulations.

BACKGROUND

Nursing Home Violations

By law, the DPH commissioner may immediately issue a citation if a review or an inspection or investigation reveals that a nursing home has violated a statute or regulation related to its licensure, operation, and maintenance (CGS § 19a-524).

The law establishes two types of citations, which are based on the nature of the violation. Class A violations present an immediate danger of death or serious harm to a nursing home resident and carry a civil penalty of up to \$20,000. Class B violations present a potential for death or serious harm in the reasonably foreseeable future and carry a civil penalty of up to \$10,000. DPH must include a notice of noncompliance with the citation (CGS §§ 19a-524 & -527).

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute

Yea 12 Nay 3 (02/28/2023)