

# Aging Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-1026

**Title:** AN ACT CONCERNING NURSING HOME STAFFING RATIOS.

**Vote Date:** 2/28/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/21/2023

**File No.:**

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## **SPONSORS OF BILL:**

Aging Committee

## **REASONS FOR BILL:**

This bill proposes to establish minimum nursing home staffing levels and to impose stricter penalties for violations.

JFS Language (LCO – In Section 1 - the date is changed from 1/1/24 to 7/1/24 as when the Public Health Dept. establishes minimum staffing levels as directed. Section 2 - specifies the Dept of Health will on or before 1/1/26 establish minimum staffing requirements and the bill also directs the Dept of Public Health on or after 7/1/24 define a violation as a class B violation and it deletes a civil penalty from the section. New Section 3 – directs the Dept. of Public Health to issue a citation to the Nursing home or Residential Care Home after an investigation shows that the facility has violated appropriate provisions of the GS.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Dept. of Social Services, Ms. Andrea Barton Reeves, Commissioner:** They are **opposed** to this proposal because they have concerns with the unbudgeted cost increase to the state of over \$30 million and with factoring in the federal share the total estimated cost would be over \$60 million. They note that mandating higher minimum staffing levels runs counter to the Acuity-based reimbursement system which recognizes that nursing homes serving lower acuity residents will not require the same staffing levels as those serving higher acuity residents.

**Dept. of Aging and Disability Services, Ms. Mairead Painter, State Long-Term Care Ombudsman:** They **support** the bill for increasing staffing hours in skilled nursing facilities. The increase is necessary to support quality care for residents. The quality of care provided

in these facilities is directly related to the number of staffing hours available to provide that care. The way skilled nursing facilities have calculated total hours a day is not clear and concise. It allowed them to count staff in separate ways and over inflating the actual hands-on care to the residents. As a result, many residents are still not receiving the care they need which leads to adverse health outcomes and a decreased quality of life. Studies have shown that inadequate staffing levels in nursing facilities are associated with poor health outcomes.

**Commission on Women, Children, Seniors, Equity & Opportunity, Ms. Kiley Pratt, Master Student, Yale School of Public Health:** They offered testimony in **support** of this bill citing that the ratio of staff to residents in nursing homes has a vital impact on the quality of care that residents receive. In a study on COVID-19 Infections and Deaths among the states nursing home residents it was found that when nursing staffing was increased by 20 minutes per resident per day the number of deaths decreased by about 26%.

#### **NATURE AND SOURCES OF SUPPORT:**

**Connecticut Legal Services, Ms. Jean Mills Aranha, Volunteer Attorney:** They are in **support** of this legislation. In 1987 Congress passed the federal Nursing Home Reform Act that required every nursing home to have sufficient staff to care properly for its residents, but federal law does not mandate any specific number of hours of care. A federal study was done in 2000 and it found that a minimum of 4.1 hours of nursing care per resident, per day was needed to meet the federal quality standards at that time. The National Consumer Voice for Quality Long-Term Care has long advocated for increased staffing.

**AARP Connecticut, Ms. Anna Doroghazi, Advocacy and Outreach:** Their testimony appears to be in **support** of this bill. They are sympathetic to the current challenges that nursing homes are facing when it comes to recruiting and retaining staff. These are real challenges, and they know there are no easy solutions to the problem. Despite this it is important to require staffing levels that most appropriately support the health and safety of residents, as well as the workers who care for them.

#### **NATURE AND SOURCES OF OPPOSITION:**

**LeadingAge Connecticut, Ms. Mag Morelli, President:** They **cannot support** this bill as proposed. In 2021 a new minimum nursing home staffing standard level was enacted into statute in PA 21-185, and they cannot support increasing the recently enacted minimums direct care staffing at the time and in the manner proposed. While their strongest objection is to the proposed breakout of specific ratios by nursing credentials, they must be realistic in recognizing that the current workforce shortage is thwarting the efforts of aging service providers to staff at the higher levels to which they aspire. There are just too few people available to hire in nursing homes. Considering the work force shortages, they ask that any violations that occur be only placed upon a violation that occurred over a period of time or was caused by an intentional scheduling of staffing hours under the required minimum levels. They also point out that the federal government is currently preparing to launch new staffing requirements that will apply to all of Connecticut's nursing homes. Since that federal government will be establishing minimum staffing levels, they believe it is premature for the state to amend the current staffing levels that were enacted into statute just two years ago. It would be in the state's best interest to wait until the federal standards are issued.

**Connecticut Assoc. of Health Care Facilities/Connecticut Center for Assisted Living, Mr. Matt Barrett, President and CEO:** Their testimony was in **opposition** to this legislation, and they cite testimony that was presented concerning SB 989 at the Human Services and Aging Public Hearing on 2/21. Part of their comments concerned the recruiting and staffing issue the industry is undergoing at this time as well as imposing fines without the opportunity to appeal.

**Reported by: Richard Ferrari, Assist. Clerk**

**Date: 3/7/23**