



Substitute Senate Bill No. 375

Public Act No. 19-89

AN ACT CONCERNING NURSING HOME STAFFING LEVELS.

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

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

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

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

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

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

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

(6) "Nursing home facility" has the same meaning as provided in

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section 19a-521 of the general statutes;

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

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

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

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

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

(1) Name of the nursing home facility;

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(2) Date;

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

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

(5) Total number of nursing home facility residents.

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

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

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

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

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

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

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

No nursing home facility or residential care home shall discharge or in any manner discriminate or retaliate against any [patient in] resident of any nursing home facility or residential care home, or any relative, guardian, conservator or sponsoring agency thereof or against any employee of any nursing home facility or residential care home or against any other person because such [patient] resident, relative, guardian, conservator, sponsoring agency, employee or other person has filed any complaint or instituted or caused to be instituted any proceeding under sections 17a-411, 17a-413, 19a-531 to 19a-534, inclusive, 19a-536 to 19a-539, inclusive, 19a-550, 19a-553, [and] 19a-554 or section 2 of this act, or has testified or is about to testify in any such proceeding or because of the exercise by such [patient] resident, relative, guardian, conservator, sponsoring agency, employee or other person on behalf of himself, herself or others of any right afforded by said sections. Notwithstanding any other provision of the general

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statutes, any nursing home facility or residential care home that violates any provision of this section shall (1) be liable to the injured party for treble damages, and (2) (A) reinstate the employee, if the employee was terminated from employment in violation of any provision of this section, or (B) restore the resident to his or her living situation prior to such discrimination or retaliation, including his or her housing arrangement or other living conditions within the nursing home facility or residential care home, as appropriate, if the resident's living situation was changed in violation of any provision of this section. For purposes of this section, "discriminate or retaliate" includes, but is not limited to, the discharge, demotion, suspension or any other detrimental change in terms or conditions of employment or residency, or the threat of any such action.

Approved July 1, 2019