



**PA 19-89—sSB 375**  
*Public Health Committee*

## **AN ACT CONCERNING NURSING HOME STAFFING LEVELS**

**SUMMARY:** This act requires nursing homes to calculate and post daily, at the beginning of each shift, the number of advanced practice registered nurses (APRNs), registered nurses (RNs), licensed practical nurses (LPNs), and nurse's aides responsible for providing direct care to residents during the shift. Nursing homes must make the information available for public review, upon request, and retain the information for at least 18 months after posting it. Federal regulations already require most of this information to be posted in the same manner.

The act also authorizes the Department of Public Health (DPH) commissioner to take disciplinary action or issue a citation against a nursing home if it substantially failed to comply with DPH nursing home minimum direct-care staffing regulations (currently 1.9 hours of direct nursing staff care per resident per day). Nursing homes must prominently post on-site the staffing violation.

Additionally, the act requires a nursing home or residential care home (RCH) that discriminates or retaliates against a resident, a resident's legal representative, or an employee for filing a complaint or testifying in an administrative proceeding against a home to (1) reinstate a terminated employee or (2) restore a resident's prior housing arrangement or other living condition, as appropriate.

Lastly, the act makes technical changes.  
EFFECTIVE DATE: October 1, 2019

## **NURSING HOME POSTING REQUIREMENTS**

### *Calculating Direct Care Staff Hours*

The act requires nursing homes to calculate daily how many nurses and nurse's aides provide direct patient care to residents. Homes must exclude from this calculation nurses or nurse's aides who are (1) managers or administrators or (2) on transportation duty and not providing direct patient care for the primary portion of their shift (i.e., six or more hours of an eight-hour shift).

The act defines "direct care" as patient care provided personally by a nursing home facility staff member, including treatment, counseling, self-care, and medication administration and "transportation duty" as the responsibility for accompanying the resident while he or she is transported to or from the nursing home.

### *Posting Direct Care Staff Hours*

Under the act, nursing homes must post the following information in

## OLR PUBLIC ACT SUMMARY

accordance with federal nursing home regulations:

1. nursing home name, the date, and total number of residents;
2. total number of APRNs, RNs, LPNs, and nurse's aides responsible for direct patient care during the shift; and
3. total number of hours each of these nursing staff are scheduled to work during the shift.

The information must be posted daily, 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, including those in a wheelchair.

Additionally, the act requires nursing homes to post the following in the same manner:

1. the minimum number of direct-care nursing staff per shift required by DPH regulations and
2. the telephone number or website that a resident, employee, or visitor may use to report a suspected violation of these staffing requirements.

Nursing homes must make the information available for public review upon oral or written request and retain the information for at least 18 months after it is posted.

### VIOLATIONS

Under the act, if the DPH commissioner finds that a nursing home has substantially failed to comply with nursing home minimum direct care staffing regulations, she may take disciplinary action against the home and issue, or cause to be issued, a citation.

By law, DPH may take various disciplinary actions against a nursing home, such as suspending or revoking its license, issuing a letter of reprimand or compliance order, imposing a corrective action plan, or placing it on probationary status.

The act requires nursing homes to prominently post on-site a minimum direct-care staffing citation. (It does not specify how long the home must post the information.) DPH must also include the citation on its monthly list of certain nursing home citations issued, civil penalties filed or paid, and violations corrected during the previous month.

### WHISTLEBLOWER PROTECTIONS

Existing law prohibits nursing homes and RCHs from discriminating or retaliating against a resident; resident's relative, guardian, or conservator; or employee for filing a complaint or causing or testifying in an administrative proceeding against a home.

By law, a nursing home or RCH that violates the prohibition is liable to the injured party for treble damages. The act also requires the nursing home or RCH to (1) reinstate the employee, if he or she was terminated due to discrimination or retaliation, or (2) restore the resident to his or her prior housing arrangement or other living conditions, if they were changed due to discrimination or retaliation.

## OLR PUBLIC ACT SUMMARY

The act provides that discrimination and retaliation include discharging, demoting, suspending, or any other detrimental change in the terms or conditions of a person's employment or residency, or any threat of these actions.