

hbd-08 Bill No. CS for CS for CS for SB 1202, 2nd Eng.
Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Sobel, Romeo, Cusack, Rich, Wishner,
12 Gottlieb, Meadows, Bullard, Kosmas, Heyman, and Ryan offered
13 the following:

Amendment to Amendment (341895) (with title amendment)

16 On page 58, line 13, through page 59, line 25, of the
17 amendment

19 insert:

20 (3)(a)1. ~~The agency shall adopt rules providing for~~
21 ~~the~~ minimum staffing requirements for direct care staff
22 ~~nursing homes. These requirements~~ shall include, for each
23 nursing home ~~facility~~, a minimum certified nursing assistant
24 staffing of 2.9 hours per resident per day, with no single
25 shift having less than one certified nursing assistant per 15
26 residents;and a minimum licensed nursing staffing of 1.0 hour
27 per resident per day, with no single shift having less than
28 one licensed nurse per 40 residents and 0.5 hours of
29 registered nurse staffing per resident per day. Each nursing
30 home shall document, ~~including evening and night shifts and~~
31 ~~weekends. Agency rules shall specify requirements for~~

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1 ~~documentation of compliance with staffing standards and post~~
2 ~~daily, sanctions for violation of such standards, and~~
3 ~~requirements for daily posting of the names of staff on duty~~
4 ~~for the benefit of facility residents and the public. Failure~~
5 ~~to provide such posting daily constitutes a class III~~
6 ~~deficiency.~~

7 2. The agency shall recognize the use of licensed
8 nurses for compliance with minimum staffing requirements for
9 certified nursing assistants, provided that the facility
10 otherwise meets the minimum staffing requirements for licensed
11 nurses and that the licensed nurses so recognized are
12 performing the duties of a certified nursing assistant. Unless
13 otherwise approved by the agency, licensed nurses counted
14 towards the minimum staffing requirements for certified
15 nursing assistants must exclusively perform the duties of a
16 certified nursing assistant for the entire shift and shall not
17 also be counted towards the minimum staffing requirements for
18 licensed nurses. If the agency approved a facility's request
19 to use a licensed nurse to perform both licensed nursing and
20 certified nursing assistant duties, the facility must allocate
21 the amount of staff time specifically spent on certified
22 nursing assistant duties for the purpose of documenting
23 compliance with minimum staffing requirements for certified
24 and licensed nursing staff. In no event may the hours of a
25 licensed nurse with dual job responsibilities be counted
26 twice.

27 3. The agency shall require that a portion of each
28 nursing facility's Medicaid rate be used exclusively for wage
29 and benefit increases for nursing home direct care staff. Such
30 funds shall be used only for actual wage or benefit
31 improvements. Eligible staff members include all direct care

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1 workers (including RNs, LPNs, and CNAs) and all dietary,
2 housekeeping, laundry, and maintenance workers. Temporary,
3 contract, agency, and pool employees are excluded. The agency
4 shall develop cost-reporting systems to ensure that the funds
5 the agency has required to be used for wage and benefit
6 increases for direct care staff are used for this purpose. On
7 January 1 of each year, the agency shall report to the
8 Legislature the effect of such wage and benefit increases for
9 employees in nursing facilities in this state.

10 4. Funding for the increased staffing, wages, and
11 benefits provided under this paragraph is contingent upon
12 failure of the Legislature to enact the provisions in House
13 Bill 21, relating to intangible tax cuts, in the 2001
14 Legislative Session.

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16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 134, line 21, of the amendment

20
21 after the semicolon insert:

- 22 providing a penalty; requiring certain wage and
- 23 benefit increases for direct care staff;
- 24 providing for contingent funding;

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