

1 A bill to be entitled
 2 An act relating to staffing requirements for nursing
 3 home facilities; amending s. 400.23, F.S.; revising
 4 Agency for Health Care Administration rulemaking
 5 authority relating to minimum staffing requirements
 6 for nursing home facilities; amending s. 400.141,
 7 F.S.; conforming a cross-reference; providing an
 8 effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12 Section 1. Paragraph (a) of subsection (3) of section
 13 400.23, Florida Statutes, is amended to read:

14 400.23 Rules; evaluation and deficiencies; licensure
 15 status.—

16 (3)(a)1. The agency shall adopt rules providing minimum
 17 staffing requirements for nursing home facilities. These
 18 requirements must include, for each facility:

19 ~~a. A minimum weekly average of certified nursing assistant~~
 20 ~~and licensed nursing staffing combined of 3.6 hours of direct~~
 21 ~~care per resident per day. As used in this sub-subparagraph, a~~
 22 ~~week is defined as Sunday through Saturday.~~

23 a.b. A minimum certified nursing assistant staffing of 2.9
 24 2.5 hours of direct care per resident per day. A facility may
 25 not staff below one certified nursing assistant per 20
 26 residents.

27 ~~b.e.~~ A minimum licensed nursing staffing of 1.0 hour of
 28 direct care per resident per day. A facility may not staff below

29 one licensed nurse per 40 residents.

30 2. Nursing assistants employed under s. 400.211(2) may be
31 included in computing the staffing ratio for certified nursing
32 assistants if their job responsibilities include only nursing-
33 assistant-related duties.

34 3. Each nursing home facility must document compliance
35 with staffing standards as required under this paragraph and
36 post daily the names of staff on duty for the benefit of
37 facility residents and the public.

38 4. The agency shall recognize the use of licensed nurses
39 for compliance with minimum staffing requirements for certified
40 nursing assistants if the nursing home facility otherwise meets
41 the minimum staffing requirements for licensed nurses and the
42 licensed nurses are performing the duties of a certified nursing
43 assistant. Unless otherwise approved by the agency, licensed
44 nurses counted toward the minimum staffing requirements for
45 certified nursing assistants must exclusively perform the duties
46 of a certified nursing assistant for the entire shift and not
47 also be counted toward the minimum staffing requirements for
48 licensed nurses. If the agency approved a facility's request to
49 use a licensed nurse to perform both licensed nursing and
50 certified nursing assistant duties, the facility must allocate
51 the amount of staff time specifically spent on certified nursing
52 assistant duties for the purpose of documenting compliance with
53 minimum staffing requirements for certified and licensed nursing
54 staff. The hours of a licensed nurse with dual job
55 responsibilities may not be counted twice.

56 Section 2. Paragraph (o) of subsection (1) of section
 57 400.141, Florida Statutes, is amended to read:

58 400.141 Administration and management of nursing home
 59 facilities.—

60 (1) Every licensed facility shall comply with all
 61 applicable standards and rules of the agency and shall:

62 (o)1. Submit semiannually to the agency, or more
 63 frequently if requested by the agency, information regarding
 64 facility staff-to-resident ratios, staff turnover, and staff
 65 stability, including information regarding certified nursing
 66 assistants, licensed nurses, the director of nursing, and the
 67 facility administrator. For purposes of this reporting:

68 a. Staff-to-resident ratios must be reported in the
 69 categories specified in s. 400.23(3)(a) and applicable rules.
 70 The ratio must be reported as an average for the most recent
 71 calendar quarter.

72 b. Staff turnover must be reported for the most recent 12-
 73 month period ending on the last workday of the most recent
 74 calendar quarter prior to the date the information is submitted.
 75 The turnover rate must be computed quarterly, with the annual
 76 rate being the cumulative sum of the quarterly rates. The
 77 turnover rate is the total number of terminations or separations
 78 experienced during the quarter, excluding any employee
 79 terminated during a probationary period of 3 months or less,
 80 divided by the total number of staff employed at the end of the
 81 period for which the rate is computed, and expressed as a
 82 percentage.

83 c. The formula for determining staff stability is the

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84 total number of employees that have been employed for more than
85 12 months, divided by the total number of employees employed at
86 the end of the most recent calendar quarter, and expressed as a
87 percentage.

88 d. A nursing facility that has failed to comply with state
89 minimum-staffing requirements for 2 consecutive days is
90 prohibited from accepting new admissions until the facility has
91 achieved the minimum-staffing requirements for a period of 6
92 consecutive days. For the purposes of this sub-subparagraph, any
93 person who was a resident of the facility and was absent from
94 the facility for the purpose of receiving medical care at a
95 separate location or was on a leave of absence is not considered
96 a new admission. Failure to impose such an admissions moratorium
97 constitutes a class II deficiency.

98 e. A nursing facility that ~~which~~ does not have a
99 conditional license may be cited for failure to comply with the
100 standards in s. 400.23(3)(a)1.a. and b. ~~400.23(3)(a)1.b. and c.~~
101 only if it has failed to meet those standards on 2 consecutive
102 days or if it has failed to meet at least 97 percent of those
103 standards on any one day.

104 f. A facility that ~~which~~ has a conditional license must be
105 in compliance with the standards in s. 400.23(3)(a) at all
106 times.

107 2. This paragraph does not limit the agency's ability to
108 impose a deficiency or take other actions if a facility does not
109 have enough staff to meet the residents' needs.

110 Section 3. This act shall take effect upon becoming a law.