



General Assembly

**Substitute Bill No. 1026**

January Session, 2023



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

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

1 Section 1. Section 19a-563h of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) [~~On or before January 1, 2022~~] On and after July 1, 2024, the  
4 Department of Public Health shall (1) establish minimum staffing level  
5 requirements for nursing homes of [three hours of direct care per  
6 resident per day, and (2) modify staffing level requirements for social  
7 work and recreational staff of nursing homes such that the requirements  
8 (A) for social work, a number of hours that is based on one full-time  
9 social worker per sixty residents and that shall vary proportionally  
10 based on the number of residents in the nursing home, and (B) for  
11 recreational staff are lower than the current requirements, as deemed  
12 appropriate by the Commissioner of Public Health.] at least three and  
13 six-tenths hours of direct care per resident per day, including sixty-six-  
14 hundredths of an hour of care by a registered nurse, forty-nine-  
15 hundredths of an hour of care by a licensed practical nurse and two and  
16 forty-five-hundredths hours of care by a certified nurse's assistant, and  
17 (2) modify staffing level requirements for social work and recreational  
18 staff of nursing homes such that the requirements (A) for social work  
19 are one full-time social worker per sixty residents, and (B) for

20 recreational staff are higher than the requirements prior to January 1,  
21 2022, as deemed appropriate by the Commissioner of Public Health.  
22 Such minimum staffing level requirements shall remain in effect until  
23 the department establishes minimum staffing level requirements  
24 pursuant to subsection (b) of this section.

25 (b) On or before January 1, 2026, the Department of Public Health  
26 shall (1) establish minimum staffing level requirements for nursing  
27 home facilities of at least four and one-tenth hours of direct care per  
28 resident per day, including three-quarters of an hour of care by a  
29 registered nurse, fifty-four-hundredths of an hour of care by a licensed  
30 practical nurse and two and eighty-one-hundredths hours of care by a  
31 certified nurse's assistant, and (2) modify staffing level requirements for  
32 social work and recreational staff of nursing homes such that the  
33 requirements (A) for social work are one full-time social worker per  
34 sixty residents, and (B) for recreational staff are higher than the  
35 requirements prior to January 1, 2022, as deemed appropriate by the  
36 Commissioner of Public Health.

37 ~~[(b)]~~ (c) The commissioner shall adopt regulations in accordance with  
38 the provisions of chapter 54 [that set forth nursing home staffing level  
39 requirements] to implement the provisions of this section. [The  
40 Commissioner of Public Health may implement policies and procedures  
41 necessary to administer the provisions of this section while in the  
42 process of adopting such policies and procedures as regulations,  
43 provided notice of intent to adopt regulations is published on the  
44 eRegulations System not later than twenty days after the date of  
45 implementation. Policies and procedures implemented pursuant to this  
46 section shall be valid until the time final regulations are adopted.]

47 Sec. 2. Section 19a-562h of the general statutes is repealed and the  
48 following is substituted in lieu thereof (*Effective October 1, 2023*):

49 (a) [If] On and after July 1, 2024, if the Commissioner of Public Health  
50 finds that a nursing home facility has substantially failed to comply with  
51 a nursing home facility staffing level requirement established pursuant

52 to [the regulations of Connecticut state agencies,] section 19a-563h, as  
53 amended by this act, such violation shall be considered a class B  
54 violation pursuant to section 19a-527, and the commissioner may (1)  
55 take any disciplinary action against the nursing home facility permitted  
56 under section 19a-494, and (2) issue or cause to be issued a citation to  
57 the licensee of such nursing home facility pursuant to the provisions of  
58 section 19a-524, as amended by this act.

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

64 (c) The Commissioner of Public Health shall adopt regulations, in  
65 accordance with chapter 54, to implement the provisions of this section.

66 Sec. 3. Section 19a-524 of the general statutes is repealed and the  
67 following is substituted in lieu thereof (*Effective October 1, 2023*):

68 If, upon review, investigation or inspection pursuant to section 19a-  
69 498, the Commissioner of Public Health determines that a nursing home  
70 facility or residential care home has violated any provision of section  
71 17a-876, 19a-491a to 19a-491c, inclusive, 19a-493a, 19a-521 to 19a-529,  
72 inclusive, 19a-531 to 19a-551, inclusive, [or] 19a-553 to 19a-555,  
73 inclusive, or, on and after July 1, 2024, 19a-563h, as amended by this act,  
74 or any provision of any regulation of Connecticut state agencies relating  
75 to licensure, the Fire Safety Code or the operation or maintenance of a  
76 nursing home facility or residential care home, which violation has been  
77 classified in accordance with section 19a-527, the commissioner may  
78 immediately issue or cause to be issued a citation to the licensee of such  
79 nursing home facility or residential care home. Governmental immunity  
80 shall not be a defense to any citation issued or civil penalty imposed  
81 pursuant to this section or sections 19-525 to 19a-528, inclusive. Each  
82 such citation shall be in writing, provide notice of the nature and scope  
83 of the alleged violation or violations, and include, but not be limited to,

84 the citation and notice of noncompliance issued in accordance with  
85 section 19a-496. Each citation and notice of noncompliance issued under  
86 this section shall be sent to the licensee electronically in a form and  
87 manner prescribed by the commissioner or by certified mail at the  
88 address of the nursing home facility or residential care home in issue. A  
89 copy of such citation and notice of noncompliance shall also be sent to  
90 the licensed administrator at the address of the nursing home facility or  
91 residential care home.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	19a-563h
Sec. 2	October 1, 2023	19a-562h
Sec. 3	October 1, 2023	19a-524

**Statement of Legislative Commissioners:**

In Section 1, the effective date was changed to July 1, 2024, "On or before" was changed to "On and after", new language was added to the section and existing staffing ratios deleted, and "hundredth hours" was changed to "hundredths of an hour" for accuracy and statutory consistency; in Section 2, "section 1 of this act" was changed to "section 19a-563h, as amended by this act" for accuracy; and in Section 3, "19a-562-h" was changed to "19a-563h" for accuracy.

**AGE** Joint Favorable Subst.