

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 480) of Harriette L. Chandler for legislation to require nursing homes to maintain adequate staffing levels to protect the health and safety of residents. Health Care.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT REQUIRING NURSING HOMES TO MAINTAIN SAFE STAFFING LEVELS TO PROTECT THE HEALTH AND SAFETY OF RESIDENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The Division of Health Care Quality within the  
2 Department of Public Health shall revise and promulgate long  
3 term care facility regulations that increase the minimum staffing  
4 levels for licensed nursing personnel and ancillary nursing per-  
5 sonnel. Said regulations, subject to appropriation, shall not estab-  
6 lish minimum staffing levels that are less than the staffing ratios  
7 recommended by the National Citizen's Coalition for Nursing  
8 Home Reform.

9 Said regulations shall be promulgated within 90 days of pas-  
10 sage of this act. Thirty days prior to promulgation a draft of said  
11 regulations shall be submitted to the chairs of the joint committee  
12 on health care for review and comment.

1 SECTION 2. Chapter 17 of the General Laws as appearing in  
2 the 1998 Official Edition is hereby amended by inserting after  
3 section 16, the following section:—

4 Section 17. There shall be an advisory council on quality of  
5 care in nursing homes consisting of the commissioner of public  
6 health and eight persons to be appointed by the governor, at least  
7 two of whom shall be representatives of the nursing home  
8 industry, at least one of whom shall be a direct care worker who is  
9 certified as a nurse's aide, at least one of whom shall be a

10 registered nurse, at least one of whom shall be a licensed practical  
11 nurse, at least one of whom shall be a member of a consumer  
12 advocacy organization, at least one of whom shall be a nursing  
13 home ombudsman, and at least one of whom shall be a profes-  
14 sional educator with expertise in labor recruitment and issues  
15 relative to the healthcare workforce.

16 The duties of the advisory council shall consist of the  
17 following:

18 (a) To evaluate on a biennial basis the required minimum  
19 staffing levels for nursing and ancillary nursing personnel set  
20 forth in department of public health long-term care facility regula-  
21 tions.

22 (b) To make recommendations to the department if any, as to  
23 changes that should be made to said regulations to maintain  
24 staffing levels that ensure quality of care.

25 (c) To submit a biennial report to the governor and file a copy  
26 of said report with the state secretary, the clerk of the senate and  
27 the clerk of the house reflecting any state regulatory or policy  
28 changes, if any, needed to be made to maintain quality of care in  
29 nursing homes.

30 (d) To study the status of the healthcare workforce in the com-  
31 monwealth and develop strategies for improving labor recruitment  
32 in long term care facilities.

33 The governor shall annually designate the chairman of the  
34 council from among its members. The council shall meet at least  
35 four times each year; and shall convene special meetings at the  
36 call of the chairman, a majority of the members of the council, or  
37 the commissioner of public health. Members of the council shall  
38 be appointed for terms of two years each. Members of the council  
39 shall serve without compensation but shall be reimbursed for their  
40 expenses actually and necessarily incurred in the discharge of  
41 their duties.

1 SECTION 3. Chapter 111 of the General Laws, as appearing in  
2 the 1998 Official Edition, is hereby amended by adding after  
3 section 72Y the following two sections:—

4 Section 72Z. (a) Every long-term care facility shall, on a daily  
5 basis, conspicuously post for each unit or if applicable, floor of  
6 the facility the current number of licensed and ancillary nursing

7 personnel directly responsible for resident care and the depart-  
8 ment's current regulations establishing minimum staffing levels  
9 for licensed nursing personnel and ancillary nursing personnel.  
10 The Department shall also be responsible for providing said min-  
11 imum staffing level regulations on said agency's internet website.

12 (b) Said posted information shall be presented in a manner that  
13 is visible and accessible to all residents, their families, caregivers  
14 and the potential consumer in each facility.

15 Section 72AA. (a) The department shall promulgate regulations  
16 which shall impose a civil monetary penalty upon any facility that  
17 fails to meet staffing requirements set forth in its regulations.

18 (b) The department shall promulgate regulations which shall  
19 impose a civil monetary penalty upon any facility that fails to  
20 meet the posting requirements set forth in section 72Z of this  
21 chapter.

