

2023 -- H 6074

LC002451

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HEALTH AND SAFETY -- RIGHTS OF NURSING HOME PATIENTS

Introduced By: Representatives Fenton-Fung, and Lima

Date Introduced: March 03, 2023

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-17.5-32 of the General Laws in Chapter 23-17.5 entitled "Rights
2 of Nursing Home Patients" is hereby amended to read as follows:

3 **23-17.5-32. Minimum staffing levels.**

4 (a) Each facility shall have the necessary nursing service personnel (licensed and non-
5 licensed) in sufficient numbers on a twenty-four (24) hour basis, to assess the needs of residents,
6 to develop and implement resident care plans, to provide direct resident care services, and to
7 perform other related activities to maintain the health, safety, and welfare of residents. The facility
8 shall have a registered nurse on the premises twenty-four (24) hours a day.

9 (b) For purposes of this section, the following definitions shall apply:

10 (1) "Direct caregiver" means a person who receives monetary compensation as an
11 employee of the nursing facility or a subcontractor as a registered nurse, a licensed practical nurse,
12 a medication technician, a certified nurse assistant, a licensed physical therapist, a licensed
13 occupational therapist, a licensed speech-language pathologist, a mental health worker who is also
14 a certified nurse assistant, or a physical therapist assistant.

15 (2) "Hours of direct nursing care" means the actual hours of work performed per patient
16 day by a direct caregiver.

17 (c)(i) Commencing on January 1, 2022, nursing facilities shall provide a quarterly
18 minimum average of three and fifty-eight hundredths (3.58) hours of direct nursing care per
19 resident, per day, of which at least two and forty-four hundredths (2.44) hours shall be provided by

1 certified nurse assistants.

2 (ii) Commencing on January 1, 2023, nursing facilities shall provide a quarterly minimum
3 of three and eighty-one hundredths (3.81) hours of direct nursing care per resident, per day, of
4 which at least two and six-tenths (2.6) hours shall be provided by certified nurse assistants.

5 (iii) Any facility required to comply with this section, that has, since June 1, 2021, achieved
6 at least ninety percent (90%) compliance with this subsection towards the requirement of a
7 quarterly minimum of three and eighty-one hundredths (3.81) hours of direct nursing care per
8 resident, per day, shall be exempt from the payment of any administrative penalty for a period of
9 twelve (12) months from the point of achieving ninety percent (90%) compliance with this
10 subsection as long as the facility continues its goal to reach a one hundred percent (100%)
11 compliance status.

12 (d) Director of nursing hours and nursing staff hours spent on administrative duties or non-
13 direct caregiving tasks are excluded and may not be counted toward compliance with the minimum
14 staffing hours requirement in this section.

15 (e) The minimum hours of direct nursing care requirements shall be minimum standards
16 only. Nursing facilities shall employ and schedule additional staff as needed to ensure quality
17 resident care based on the needs of individual residents and to ensure compliance with all relevant
18 state and federal staffing requirements.

19 (f) The department shall promulgate rules and regulations to amend the Rhode Island code
20 of regulations in consultation with stakeholders to implement these minimum staffing requirements
21 on or before October 15, 2021.

22 (g) On or before January 1, 2024, and every five (5) years thereafter, the department shall
23 consult with consumers, consumer advocates, recognized collective bargaining agents, and
24 providers to determine the sufficiency of the staffing standards provided in this section and may
25 promulgate rules and regulations to increase the minimum staffing ratios to adequate levels.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide that nursing home facilities that have achieved ninety percent (90%)
2 compliance with the staffing requirements that commenced in January 2023, would be granted a
3 twelve (12) month grace period to achieve one hundred percent (100%) compliance without being
4 penalized.

5 This act would take effect upon passage.

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