SENATE, No. 2878

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED MAY 14, 2015

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)
Senator LORETTA WEINBERG
District 37 (Bergen)

SYNOPSIS
Establishes minimum certified nursing assistant-to-resident ratios in nursing homes.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 12/8/2015)
AN ACT concerning staffing requirements for nursing homes and
supplementing Title 30 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. a. Notwithstanding any other staffing requirements as may
be established by law, every nursing home as defined in section 2 of
P.L.1976, c.120 (C.30:13-2) or licensed pursuant to P.L.1971, c.136
(C.26:2H-1 et seq.) shall maintain the following minimum certified
nursing assistant-to-resident ratios:
   (1) one certified nursing assistant to every six residents for the
day shift;
   (2) one certified nursing assistant to every nine residents for the
evening shift; and
   (3) one certified nursing assistant to every 14 residents for the
   night shift.
   b. Upon any expansion of resident census by the nursing home,
   the nursing home shall be exempt from any increase in certified
   nursing assistant staffing ratios for a period of nine consecutive
   shifts from the date of the expansion of the resident census.
   c. (1) The computation of certified nursing assistant minimum
   staffing ratios shall be carried to the hundredth place.
   (2) If the application of the ratios listed in subsection a. of this
   section results in other than a whole number of certified nursing
   assistants for a shift, the number of required certified nursing
   assistants shall be rounded to the next higher whole number when
   the resulting ratio, carried to the hundredth place, is fifty-one
   hundredths or higher.
   (3) All computations shall be based on the midnight census for
   the day in which the shift begins.
   d. Nothing in this section shall be construed to affect any
   minimum staffing requirements for nursing homes as may be
   required by the Commissioner of Health for staff other than
   certified nursing assistants, or to restrict the ability of a nursing
   home to increase staffing levels, at any time, beyond the established
   minimum.

2. Pursuant to the “Administrative Procedure Act,” P.L.1968,
c.410 (C.52:14B-1 et seq.), the Commissioner of Health shall adopt
rules and regulations to effectuate the purposes of this act.

3. This act shall take effect of the first day of the fourth month
next following the date of enactment, but the Commissioner of
Health may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill establishes minimum certified nursing assistant-to-resident ratios for nursing homes.

Under current regulations, the Department of Health requires nursing homes to meet a minimum number of hours of direct care staff-to-resident time per day. It is the sponsor’s belief that mandating specific certified nursing assistant-to-resident ratios will provide a more precise, enforceable requirement, and will improve the level of services provided to nursing home residents in the State.

Under the bill, certified nursing assistant-to-resident ratios will be as follows:

1. one certified nursing assistant for every six residents on the day shift;
2. one certified nursing assistant for every nine residents on the evening shift; and
3. one certified nursing assistant for every 14 residents on the night shift.

The bill sets forth a methodology for computing the appropriate ratio, and provides that a nursing home that experiences an increase in resident census is exempt from increasing the number of certified nursing assistants for nine consecutive shifts.

Nothing in the bill would affect any other minimum staffing requirements as may be mandated by the Commissioner of Health for nursing home staff other than certified nursing assistants, and nothing in the bill would prohibit a nursing home from establishing staffing levels above the established minimum.