

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)

1 AN ACT concerning staffing requirements for nursing homes and
2 supplementing Title 30 of the Revised Statutes.

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

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7 1. a. Notwithstanding any other staffing requirements as may
8 be established by law, every nursing home as defined in section 2 of
9 P.L.1976, c.120 (C.30:13-2) or licensed pursuant to P.L.1971, c.136
10 (C.26:2H-1 et seq.) shall maintain the following minimum certified
11 nursing assistant-to-resident ratios:

12 (1) one certified nursing assistant to every six residents for the
13 day shift;

14 (2) one certified nursing assistant to every nine residents for the
15 evening shift; and

16 (3) one certified nursing assistant to every 14 residents for the
17 night shift.

18 b. Upon any expansion of resident census by the nursing home,
19 the nursing home shall be exempt from any increase in certified
20 nursing assistant staffing ratios for a period of nine consecutive
21 shifts from the date of the expansion of the resident census.

22 c. (1) The computation of certified nursing assistant minimum
23 staffing ratios shall be carried to the hundredth place.

24 (2) If the application of the ratios listed in subsection a. of this
25 section results in other than a whole number of certified nursing
26 assistants for a shift, the number of required certified nursing
27 assistants shall be rounded to the next higher whole number when
28 the resulting ratio, carried to the hundredth place, is fifty-one
29 hundredths or higher.

30 (3) All computations shall be based on the midnight census for
31 the day in which the shift begins.

32 d. Nothing in this section shall be construed to affect any
33 minimum staffing requirements for nursing homes as may be
34 required by the Commissioner of Health for staff other than
35 certified nursing assistants, or to restrict the ability of a nursing
36 home to increase staffing levels, at any time, beyond the established
37 minimum.

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

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43 3. This act shall take effect of the first day of the fourth month
44 next following the date of enactment, but the Commissioner of

1 Health may take such anticipatory administrative action in advance
2 thereof as shall be necessary for the implementation of this act.

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STATEMENT

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

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

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

17 (1) one certified nursing assistant for every six residents on the
18 day shift;

19 (2) one certified nursing assistant for every nine residents on the
20 evening shift; and

21 (3) one certified nursing assistant for every 14 residents on the
22 night shift.

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

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