

ASSEMBLY, No. 382

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblywoman Muoio, Assemblymen Eustace, Benson, Assemblywomen Mosquera, Tucker, Jasey and Murphy

SYNOPSIS

Establishes minimum certified nurse aide-to-resident ratios in nursing homes.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/11/2018)

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 be
8 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 nurse aide-to-resident ratios:

12 (1) one certified nurse aide to every eight residents for the day
13 shift;

14 (2) one certified nurse aide to every 10 residents for the evening
15 shift; and

16 (3) one certified nurse aide to every 16 residents for the night shift.

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

21 c. (1) The computation of certified nurse aide minimum staffing
22 ratios shall be carried to the hundredth place.

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

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

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

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

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

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STATEMENT

This bill establishes minimum ratios for the number of certified nurse aides (CNAs) to the number of residents in 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.

Under the bill, CNA-to-resident ratios will be as follows:

- (1) one CNA for every eight residents on the day shift;
- (2) one CNA for every 10 residents on the evening shift; and
- (3) one CNA for every 16 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 CNAs 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 CNAs, and nothing in the bill would prohibit a nursing home from establishing staffing levels above the established minimum.