

SENATE BILL 740

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1999 Regular Session
9r2540
CF 9r1564

By: **Senator Conway**

Introduced and read first time: February 25, 1999

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Facilities - Licensure Requirements - Staffing**

3 FOR the purpose of requiring nursing facilities to meet certain staffing requirements
4 to qualify for licensure; requiring nursing facilities to employ certain individuals
5 for certain positions; specifying certain duties that certain individuals may not
6 perform; specifying the staffing to resident ratio requirements for nursing
7 facilities; requiring nursing facilities to post certain information in certain areas
8 of the facility on a certain form developed by the Department of Health and
9 Mental Hygiene; providing for certain penalties; providing for the application of
10 this Act; requiring the Department to conduct a certain study and to report to
11 the General Assembly by a certain date; authorizing the Department to adopt
12 certain regulations; defining a certain term; and generally relating to staffing
13 requirements for nursing facilities.

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 19-319(a)
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1998 Supplement)

19 BY adding to
20 Article - Health - General
21 Section 19-319.3
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1998 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Health - General

2 19-319.

3 (a) (1) To qualify for a license, an applicant and the hospital or related
4 institution to be operated shall meet the requirements of this section.

5 (2) IN ADDITION TO THE REQUIREMENTS OF THIS SECTION, TO QUALIFY
6 FOR A LICENSE, A NURSING FACILITY SHALL MEET THE REQUIREMENTS OF § 19-319.3
7 OF THIS SUBTITLE.

8 19-319.3.

9 (A) IN THIS SECTION, "LICENSED PERSONNEL" MEANS:

10 (1) A REGISTERED NURSE WHO IS LICENSED TO PRACTICE IN THE
11 STATE; OR

12 (2) A PRACTICAL NURSE WHO IS LICENSED TO PRACTICE IN THE STATE.

13 (B) A NURSING FACILITY SHALL EMPLOY STAFF SUFFICIENT IN NUMBER AND
14 QUALIFICATIONS TO MEET THE SCHEDULED AND UNSCHEDULED NURSING CARE
15 NEEDS OF THE RESIDENTS.

16 (C) TO ENSURE COMPLIANCE WITH SUBSECTION (B) OF THIS SECTION, A
17 NURSING FACILITY SHALL:

18 (1) ESTABLISH AND EMPLOY REGISTERED NURSES WHO ARE LICENSED
19 TO PRACTICE IN THE STATE FOR THE FOLLOWING POSITIONS:

20 (I) A FULL-TIME DIRECTOR OF NURSING;

21 (II) FOR NURSING FACILITIES WITH 100 BEDS OR MORE, A
22 FULL-TIME ASSISTANT DIRECTOR OF NURSING;

23 (III) NURSING SUPERVISORS ON DUTY AT ALL TIMES, 24 HOURS A
24 DAY, 7 DAYS A WEEK; AND

25 (IV) A FULL-TIME DIRECTOR TO SUPERVISE THE IN-SERVICE
26 EDUCATION PROGRAM REQUIRED UNDER § 19-319.1 OF THIS SUBTITLE;

27 (2) MAINTAIN A RATIO OF LICENSED PERSONNEL TO RESIDENTS OF NO
28 FEWER THAN:

29 (I) ONE LICENSED PERSONNEL TO 15 RESIDENTS DURING THE
30 MORNING SHIFT;

31 (II) ONE LICENSED PERSONNEL TO 25 RESIDENTS DURING THE
32 AFTERNOON SHIFT; AND

1 (III) ONE LICENSED PERSONNEL TO 35 RESIDENTS DURING THE
2 NIGHT SHIFT; AND

3 (3) MAINTAIN A RATIO OF CERTIFIED NURSING ASSISTANTS TO
4 RESIDENTS OF NO FEWER THAN:

5 (I) ONE CERTIFIED NURSING ASSISTANT TO FIVE RESIDENTS
6 DURING THE MORNING SHIFT;

7 (II) ONE CERTIFIED NURSING ASSISTANT TO 10 RESIDENTS
8 DURING THE AFTERNOON SHIFT; AND

9 (III) ONE CERTIFIED NURSING ASSISTANT TO 15 RESIDENTS
10 DURING THE NIGHT SHIFT.

11 (D) (1) LICENSED PERSONNEL AND CERTIFIED NURSING ASSISTANTS MAY
12 NOT PROVIDE FOOD PREPARATION, HOUSEKEEPING, LAUNDRY, OR MAINTENANCE
13 SERVICES.

14 (2) AN INDIVIDUAL EMPLOYED TO PROVIDE FOOD PREPARATION,
15 HOUSEKEEPING, LAUNDRY, OR MAINTENANCE SERVICES MAY NOT PROVIDE
16 NURSING CARE TO RESIDENTS.

17 (E) (1) A NURSING FACILITY SHALL DISPLAY ON EACH FLOOR OF THE
18 FACILITY A NOTICE THAT EXPLAINS THE CURRENT RATIO OF LICENSED PERSONNEL
19 TO RESIDENTS AND CERTIFIED NURSING ASSISTANTS TO RESIDENTS.

20 (2) THE NOTICE SHALL BE:

21 (I) POSTED IN A LOCATION THAT IS VISIBLE AND ACCESSIBLE TO
22 RESIDENTS, FAMILY MEMBERS OF THE RESIDENTS, CAREGIVERS, AND POTENTIAL
23 CONSUMERS; AND

24 (II) ON A FORM PROVIDED BY THE DEPARTMENT.

25 (F) THE STAFFING REQUIREMENTS UNDER THIS SECTION ARE MINIMUM
26 STAFFING REQUIREMENTS AND SHALL NOT BE CONSTRUED TO LIMIT THE ABILITY
27 OF THE NURSING FACILITY TO EMPLOY ADDITIONAL STAFF.

28 (G) THE SECRETARY MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT
29 THE PROVISIONS OF THIS SECTION.

30 (H) IF A NURSING FACILITY FAILS TO MEET THE REQUIREMENTS OF THIS
31 SECTION, THE SECRETARY MAY IMPOSE THE FOLLOWING PENALTIES:

32 (1) DELICENSURE OF THE NURSING FACILITY;

33 (2) \$500 PER DAY FOR EACH DAY THE VIOLATION CONTINUES; OR

34 (3) BOTH.

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) The Department of Health and Mental Hygiene shall:

3 (1) Conduct a study to determine whether the staffing ratios and
4 standards provided in this Act are sufficient to meet the needs of residents in nursing
5 facilities including determining appropriate levels of staffing based on resident
6 acuity; and

7 (2) Recommend, if necessary, a methodology for determining appropriate
8 levels of staffing.

9 (b) In conducting the study, the Department shall consider recommendations
10 from nursing facilities, licensed health care providers, advocacy groups, and other
11 interested parties.

12 (c) On or before January 2001 and every 5 years thereafter, the Department
13 shall submit its findings and recommendations to the General Assembly, in
14 accordance with § 2-1246 of the State Government Article.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1999.