

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2157 Session of 2014

INTRODUCED BY STERN, V. BROWN, KOTIK, DiGIROLAMO, FREEMAN, MILLARD, COHEN, GINGRICH, FLECK, DeLUCA, HESS, GAINNEY, HAGGERTY, MURT, D. COSTA, M. DALEY, NEUMAN, O'BRIEN AND FARRY, APRIL 7, 2014

REFERRED TO COMMITTEE ON HEALTH, APRIL 7, 2014

AN ACT

1 Providing for the Nursing Home Accountability Act, for reporting
 2 requirements for long-term care nursing facilities and for
 3 enforcement; imposing duties on the Department of Health; and
 4 imposing a penalty.

5 The General Assembly finds and declares as follows:

6 (1) This Commonwealth has a large and growing population
 7 of senior and disabled persons who require nursing facility
 8 care.

9 (2) Significant staffing resources are necessary to
 10 provide quality care to our senior and disabled citizens who
 11 reside in nursing homes.

12 (3) Consumers of nursing care services need easy access
 13 to timely information about staffing and turnover rates in
 14 order to make informed decisions about nursing home quality.

15 (4) The high rate of turnover is a chronic problem in
 16 nursing homes. Turnover of certified nurse aides is
 17 particularly high. A recent study found turnover rates among
 18 certified nurse aides to be as high as 43% while other

1 studies have found turnover rates to be more than 100% in
2 many facilities.

3 (5) Studies have addressed the importance of continuity
4 of care and the need to stabilize the workforce in nursing
5 homes to improve quality care. High turnover leads to lower
6 job satisfaction among caregivers and potential negative
7 health outcomes for residents. Each time a nursing caregiver
8 departs, the caregiving relationships and services provided
9 to clients are disrupted. In addition, the accumulated
10 knowledge of a resident's individual needs and desires is
11 lost with the loss of the caregiver.

12 (6) Nursing facilities that receive public money have a
13 responsibility to report to residents, the resident's
14 families and the taxpayers of this Commonwealth about the
15 turnover and staffing levels provided to the residents in
16 their care.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Short title.

20 This act shall be known and may be cited as the Nursing Home
21 Accountability Act.

22 Section 2. Definitions.

23 The following words and phrases when used in this act shall
24 have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 "Department." The Department of Health of the Commonwealth.

27 "Facility." A long-term care nursing facility.

28 "Licensed nurse." A registered nurse or licensed practical
29 nurse.

30 "Nurse aide." An individual who provides nursing or nursing-

1 related services to residents in a facility. The term does not
2 include an individual who is a volunteer or a licensed health
3 professional that provides the services without monetary
4 compensation.

5 "Turnover." The rate at which staff leave a facility either
6 voluntarily or involuntarily.

7 Section 3. Reporting requirements for a facility.

8 (a) Requirements for a facility.--Beginning 90 days after
9 the effective date of this section, the department shall require
10 nursing facilities to report the following on a quarterly basis:

11 (1) The turnover rate for registered nurses, licensed
12 practical nurses and nurse aides.

13 (2) The staffing levels in terms of hours of care per
14 resident day for total nursing care. Total nursing care shall
15 consist of the work performed by registered nurses, licensed
16 practical nurses and nurse aides.

17 (3) The staffing levels in terms of hours of care per
18 resident day by professional classification of nursing staff
19 at the facility, including registered nurses, licensed
20 practical nurses and nurse aides, categorized by permanent
21 staff and temporary, including agency or contract staff, and
22 total.

23 (b) Direct care staffing information.--Direct care staffing
24 information, including information with respect to agency and
25 contract staff and turnover information must be based on payroll
26 and other verifiable and auditable data in a uniform format.

27 (c) Duty of department.--The department shall post this
28 information on the website of the nursing care facility.

29 (d) Duty of facility.--A facility shall post the information
30 required under this section in a publicly accessible area.

1 (e) Submission requirement.--A facility shall submit the
2 information required under this section prior to 90 days after
3 the previous quarter.

4 Section 4. Enforcement.

5 (a) Civil penalty.--The department shall impose a civil
6 penalty upon a facility that fails to provide complete
7 information within the time frame required under section 3.

8 (b) Amount of penalty.--The department shall determine the
9 amount of penalty under subsection (a).

10 Section 20. Effective date.

11 This act shall take effect in 90 days.