
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 815 Session of
1999

INTRODUCED BY SCHWARTZ, TARTAGLIONE, STAPLETON, KASUNIC, COSTA,
BOSCOLA, LAVALLE, BELAN, STOUT, KUKOVICH, MELLOW AND MUSTO,
APRIL 14, 1999

REFERRED TO PUBLIC HEALTH AND WELFARE, APRIL 14, 1999

AN ACT

1 Requiring long-term care nursing homes to maintain certain
2 staffing levels in order to protect the health and safety of
3 residents and employees; providing for enforcement by the
4 Department of Health; and imposing civil penalties.

5 The General Assembly finds and declares as follows:

6 (1) The 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) Long-term care nursing facilities which receive
13 public money should be required to provide at all times
14 staffing resources to meet the minimum levels necessary to
15 provide quality care to each resident.

16 (4) Nursing facilities which receive public money have a
17 responsibility to report to residents, their families and the
18 taxpayers of this Commonwealth the staffing levels that they

1 provide for the residents in their care.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Nursing Home
6 Staffing Level Act.

7 Section 2. Definitions.

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

11 "Afternoon shift." A shift commencing no earlier than 2:00
12 postmeridian and no later than 4:00 postmeridian.

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

14 "Licensed nurse." A registered nurse or licensed practical
15 nurse.

16 "Morning shift." A shift commencing no earlier than 6:00
17 antemeridian and no later than 8:00 antemeridian.

18 "Nighttime shift." A shift commencing no earlier than 10:00
19 postmeridian and no later than 12:00 antemeridian.

20 "Shift." A work period consisting of approximately eight
21 hours unless otherwise established under a collective bargaining
22 agreement.

23 Section 3. Minimum staffing standards for unlicensed and
24 licensed nursing personnel.

25 (a) General rule.--The department shall not issue or renew a
26 license of a long-term care nursing facility unless that
27 facility employs nursing personnel sufficient in number to
28 provide continuous 24-hour nursing care and service sufficient
29 to meet the needs of each resident in the facility.

30 (b) Nurse aide ratios.--A long-term care nursing facility

1 shall maintain a ratio of residents to nurse aides of no more
2 than:

3 (1) Eight to one during a morning shift.

4 (2) Ten to one during an afternoon shift.

5 (3) Fifteen to one during a nighttime shift.

6 (c) Licensed nurse ratios.--A long-term care nursing
7 facility shall maintain a ratio of residents to licensed nurses,
8 either registered nurses or licensed practical nurses, of no
9 more than:

10 (1) Fifteen to one during a morning shift.

11 (2) Twenty-five to one during an afternoon shift.

12 (3) Thirty-five to one during a nighttime shift.

13 (d) Restrictions on nursing staff services.--No employee
14 designated as a member of the nursing staff shall provide the
15 following services: food preparation, housekeeping, laundry or
16 maintenance services. A person employed to provide those
17 services shall not provide nursing care to residents and shall
18 not be counted in determining the ratios in subsections (b) and
19 (c).

20 Section 4. Public right to staffing information and posting.

21 A long-term care nursing facility shall post for each wing
22 and floor of the facility and for each shift, the current number
23 of licensed and unlicensed nursing staff directly responsible
24 for resident care and the current ratios of residents to staff,
25 which show separately the number of residents to licensed
26 nursing staff and the number of residents to unlicensed nursing
27 staff. The information shall be posted for the most recently
28 concluded cost reporting period in the form of average daily
29 staffing ratios for that period. The information must be posted
30 in a manner which is visible and accessible to all residents,

1 their families, caregivers and potential consumers in each
2 facility.

3 Section 5. Enforcement.

4 (a) Civil penalty for staffing violation.--The department
5 shall impose a civil penalty upon any facility that fails to
6 meet the staffing requirements set forth in section 3. The
7 penalty shall be imposed for each day on which the failure
8 occurs.

9 (b) Amount of penalty.--The amount of penalty in subsection
10 (a) shall be determined as follows:

11 (1) For deficiencies in staffing which constitute
12 immediate jeopardy to resident health or safety and for
13 repeat deficiencies when a monetary penalty has been
14 previously imposed, the amount of the penalty shall be not
15 less than \$3,050 nor more than \$10,000 for each day of such
16 failure.

17 (2) For deficiencies in staffing which do not constitute
18 immediate jeopardy to resident health or safety, the amount
19 of the penalty shall be not less than \$50 nor more than
20 \$3,000 for each day of such failure.

21 (c) Civil penalty for posting violation.--The department
22 shall impose a civil penalty upon any facility that fails to
23 meet the posting requirements set forth in section 4. The
24 penalty shall be in the amount of \$100 for each day upon which
25 the facility fails to fully satisfy the posting requirements of
26 this act.

27 (d) Legal presumption.--In addition to the penalty set forth
28 in subsections (a) and (b), in any action brought by or on
29 behalf of a resident of the facility, his heirs, or both, for
30 negligent infliction of harm or lack of adequate care, a failure

1 to meet the staffing requirements of section 1 shall be presumed
2 a contributory cause of any injury sustained by a resident.
3 Section 6. Effective date.
4 This act shall take effect in 60 days.