

State of Connecticut  
Regulation of  
  
**Department of Public Health**  
**Concerning**  
**Nursing Home Staffing Levels**

Section 1. Subsection (m) of Section 19-13-D8t of the Regulations of Connecticut State Agencies is amended as follows:

**(m) Nursing staff:**

(1) For purposes of this subsection, “direct care staff” shall mean licensed nursing personnel and certified nurse’s aides that are engaged in direct health care services, including but not limited to, personal care services for residents in nursing homes.

(2) Each facility shall employ sufficient nurses and nurse's aides to provide appropriate care of [patients] residents housed in the facility [24] twenty-four hours per day, seven days per week, which shall include a minimum direct care staffing level of three hours of direct care per resident per day.

[(2)] (3) The number, qualifications, and experience of such personnel shall be sufficient to assure that each [patient] resident:

(A) receives treatment, therapies, medications and nourishments as prescribed in the patient care plan developed pursuant to subsection (o) (2) (I) of these regulations;

(B) is kept clean, comfortable and well groomed; and

(C) is protected from accident, incident, infection, or other unusual occurrence.

[(3)] (4) The facility's administrator and director of nurses shall meet at least once every [30] thirty days in order to determine the number, experience and qualifications of staff necessary to comply with this section. The facility shall maintain written and signed summaries of actions taken and reasons therefore.

[(4)] (5) There shall be at least one registered nurse on duty [24] twenty-four hours per day, seven days per week.

(A) In a chronic and convalescent nursing home, there shall be at least one licensed nurse on duty on each [patient] resident-occupied floor at all times.

(B) In a rest home with nursing supervision, there shall be at least one nurse's aide on duty on each [patient] resident-occupied floor at all times and intercom communication shall be available with a licensed nurse.

[(5)] (6) In no instance shall a chronic and convalescent nursing home, or a rest home with nursing supervision, have staff below the following standards:

(A) Licensed nursing personnel:

7 a.m. to 9 p.m.:

[.47] .57 hours per [patient] resident

9 p.m. to 7 a.m.: [.17] .27 hours per [patient] resident

(B) [Total nursing and] Nurse's aide personnel:

7 a.m. to 9 p.m.: [1.40] 1.60 hours per [patient] resident

9 p.m. to 7 a.m.: [.50] .56 hours per [patient] resident

[(6) In no instance shall a rest home with nursing supervision staff below the following standards:

(A) Licensed nursing personnel:

7 a.m. to 9 p.m.: .23 hours per patient

9 p.m. to 7 a.m.: .08 hours per patient

(B) Total nursing and nurse's aide personnel:

7 a.m. to 9 p.m.: .70 hours per patient

9 p.m. to 7 a.m.: .17 hours per patient]

[(7) In facilities of 61 beds or more, the] (7) The director of nurses or the assistant director of nurses shall not be included in satisfying the requirements of [subdivisions] subdivision (5) [and (6)] of this subsection.

[(8) In facilities of 121 beds or more, the assistant director of nurses shall not be included in satisfying the requirements of subdivisions (5) and (6) of this subsection.]

Section 2. Subsection (r) of Section 19-13-D8t of the Regulations of Connecticut State Agencies is amended as follows:

**(r) Therapeutic Recreation.**

(1) Each facility shall have a therapeutic recreation program. The program shall include mentally and physically stimulating activities to meet individual needs and interests, and shall be consistent with the overall plan of care for each [patient] resident.

(2) Each facility shall employ therapeutic recreation [director(s)] director or directors.

(A) Persons employed as a therapeutic recreation [director(s)] director or directors in a chronic and convalescent nursing home or a rest home with nursing supervision on or before June 30, 1982 shall have a minimum of a high school diploma or high school equivalency, and shall have completed a minimum of 80 hours of training in therapeutic recreation. As of July 1, 1992, persons who meet these criteria but who have not been employed as therapeutic recreation [director(s)] director or directors in a chronic and convalescent nursing home [and/or] or a rest home with nursing supervision for two continuous years immediately preceding reemployment in such capacity shall be required to meet the requirements of Section 19-13-D8t (r) (2) (c).

(B) Persons beginning employment as therapeutic recreation [director(s)] director or directors in a chronic and convalescent nursing home or a rest home with nursing supervision between July 1, 1982 and June 30, 1992 shall have the following minimum qualifications:

(i) An [Associates Degree] associate's degree with a major emphasis in therapeutic recreation; or

(ii) Enrollment in a Connecticut certificate program in therapeutic recreation; or

(iii) A [Bachelors Degree] bachelor's degree in a related field and one year of full time employment in therapeutic recreation in a health care facility; or

(iv) A [Bachelors Degree] bachelor's degree in a related field and six credit hours in therapeutic recreation; or

(v) An [Associates Degree] associate's degree in a related field and two years of full time employment in therapeutic recreation in a health care facility; or

(vi) An [Associates Degree] associate's degree in a related field and nine credit hours in therapeutic recreation.

(vii) As of July 1, 1992, persons who met these criteria but who have not been employed as a therapeutic recreation director in a health care facility for two continuous years immediately preceding reemployment in such capacity shall be required to meet the requirements of Section 19-13-D8t (r) (2) (C).

(C) Persons beginning employment as therapeutic recreation [director(s)] director or directors in a chronic and convalescent nursing home [and/or] or a rest home with nursing supervision on or after July 1, 1992 shall have the following minimum qualifications:

(i) An [associates] associate's degree with a major emphasis in therapeutic recreation; or

(ii) A high school diploma or equivalency and enrollment within six months of employment in a Connecticut certificate program in therapeutic recreation. Each facility shall maintain records of the individual's successful completion of courses and continued participation in a minimum of one course per semester; or

(iii) A [bachelors] bachelor's degree in a related field and one year of full time employment in therapeutic recreation in a health care facility; or

(iv) A [bachelors] bachelor's degree in a related field and six credit hours in therapeutic recreation; or

(v) An [associates] associate's degree in a related field and two years of full time employment in therapeutic recreation in a health care facility; or

(vi) An [associates] associate's degree in a related field and nine credit hours in therapeutic recreation.

(D) "Related field" in subparagraphs (B) and (C) of this subdivision shall include but not be limited to the following: sociology, social work, psychology, recreation, art, music, dance or drama therapy, the health sciences, education or other related field as approved by the commissioner or [his/her] the commissioner's designee.

(3) Therapeutic recreation [director(s)] director or directors shall be employed in each facility sufficient to meet the following ratio of hours per week to the number of licensed beds in the facility:

(A) 1 to 15 beds, [10] nine hours during any three days;

(B) 16 to 30 beds, [20] nineteen hours during any five days; and

(C) Each additional 30 beds or fraction thereof, [20] nineteen additional hours.

(4) Monthly calendars of therapeutic recreation activities and [patient] resident participation records for each level of care shall be maintained at each facility for twelve months. These shall be available for review by representatives of the department.

(A) The calendar for the current month for each level of care shall be completed by the first day of the month.

(B) Records of [patient] resident participation shall be maintained on a daily basis.

(C) The facility shall submit these records to the department upon the department's request.

(5) An individual therapeutic recreation plan shall be developed for each [patient] resident, which shall be incorporated in the overall plan of care for that [patient] resident.

Section 3. Subsection (s) of Section 19-13-D8t of the Regulations of Connecticut State Agencies is amended as follows:

**(s) Social Work.**

(1) Definitions:

(A) Social Work Designee

A social work designee shall have at least an associate's degree in social work or in a related human service field. Any person employed as a social work designee on January 1, 1989 shall be eligible to continue in the facility of employment without restriction.

(B) Qualified Social Worker

A qualified social worker shall hold at least a bachelor's degree in social work from a college or university which was accredited by the Council on Social Work Education at the time of his or her graduation, and have at least one year social work experience in a health care facility. An individual who has a bachelor's degree in a field other than social work and a certificate in Post Baccalaureate Studies in Social Work awarded before the effective date of these regulations by a college accredited by the Department of Higher Education, and at least one year social work experience in a health care facility, may perform the duties and carry out the responsibilities of a qualified social worker for up to three years after the effective date of these regulations.

(C) Qualified Social Work Consultant

A qualified social work consultant shall hold at least a master's degree in social work from a college or university which was accredited by the Council on Social Work Education at the time of his or her graduation and have at least one year post-graduate social work experience in a health care facility. An individual who holds a bachelor's degree in social work from a college or university which was accredited by the Council on Social Work Education at the time of his or her graduation, and is under contract as a social work consultant on January 1, 1989, shall be eligible to continue functioning without restriction as a social work consultant in the [facility(ies)] facility or facilities which had contracted his or her services.

(2) Each facility shall employ social work service staff to meet the social and emotional problems [and/] or needs of the [patients] residents based on their medical [and/or] or psychiatric diagnosis.

(3) The administrator of the facility shall designate in writing a qualified social worker or social work designee as responsible for the social work service.

(4) The social work service shall be directed by a qualified social worker or a social work designee. If the service is under the direction of a social work designee the facility shall contract for the regular consultation of a qualified social work consultant at least on a quarterly basis.

(5) Social work service staff shall be employed in each facility sufficient to meet the needs of the [patients] residents but not less than one full-time social worker for a nursing home with sixty residents, such total number of hours shall vary proportionally based on the number of residents in the nursing home based on the following ratio of hours per week to the number of [licensed beds] residents in the facility:

(A) One [(1)] to thirty [(30) beds] residents, [ten (10)] sixteen hours per week.

(B) Thirty-one [(31) to sixty (60) beds twenty (20) hours per week] residents or greater, sixteen hours per week plus 1.6 hours for each additional three residents in excess of thirty residents.

[(C) Each additional thirty (30) beds or fraction thereof, ten (10) additional hours].

(6) Written social work service policies and procedures shall be developed and implemented by a qualified social worker, or social work designee under the direction of a qualified social work consultant, and ratified by the governing body of the facility. Such standards shall include, but not be limited to:

(A) Ensuring the confidentiality of all [patients'] residents' social, emotional, and medical information, in accordance with the General Statutes of Connecticut, Section 19a-550 (a) (8).

(B) Requiring a prompt referral to an appropriate agency for [patients] residents or families in need of financial assistance and requiring that a record is maintained of each referral to such agency in the [patient's] resident's medical record.

(7) The social work service shall help each [patient] resident to adjust to the social and emotional aspects of the [patient's] resident's illness, treatment, and stay in the facility. The medically related social and emotional needs of the [patient] resident and family shall be identified, a plan of care developed, and measurable goals set in accordance with the Regulations of Connecticut State Agencies Sections 19-13-D8t (o) (2) (H) and (o) (2) (I).

(8) All staff of the facility shall receive inservice training by or under the direction of a qualified social worker or social work designee each year concerning [patients'] residents' personal and property rights pursuant to Section 19a-550 of the Connecticut General Statutes.

(9) All staff of the facility shall receive inservice training by a qualified social worker or qualified social work consultant each year in an area specific to the needs of the facility's [patient] resident population.

(10) A qualified social worker or social work designee shall participate in planning for the discharge and transfer of each [patient] resident.

(11) Office facilities shall be easily accessible to [patients] residents and staff or alternate arrangements shall be available. Each facility shall ensure privacy for interviews between staff and[: patients, patients'] residents, the residents' families and [patients'] the residents' next friend.

**Statement of Purpose**

The purpose of the proposed regulation is to comply with Public Act 21-185 (New Section 19a-563h), which requires the Department of Public Health to develop regulations to establish minimum staffing level requirements for nursing homes of 3 hours of direct care per resident per day, and modify staffing level requirements for social work and recreational staff to ensure there is one full-time social worker per 60 residents, and lower the level for recreational staff. Section 1 of the proposed regulation amends Section 19-13-D8t(m) of the Regulations of Connecticut State Agencies to add a definition of “direct care staff”, to require minimum direct care staffing levels of three hours of direct care per resident per day, and to set standards for nursing personnel per resident in nursing homes and rest homes with nursing supervision. Section 2 of the proposed regulation amends subsection (r) of Section 19-13-D8t to revise the minimum staffing requirements for therapeutic recreation directors in a nursing home or rest home with nursing supervision. Section 3 of the proposed regulation amends subsection (s) of Section 19-13-D8t to modify the requirements for social work service staffing to ensure sufficient staffing to meet the needs of residents proportional to the number of residents. The proposed regulation, once approved, will replace policies and procedures in effect.