

# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

Manisha Juthani, MD  
Commissioner



Ned Lamont  
Governor  
Susan Bysiewicz  
Lt. Governor

### DEPARTMENT OF PUBLIC HEALTH NOTICE OF INTENT TO ADOPT REGULATIONS

In accordance with the provisions of section 4-168(a) of the Connecticut General Statutes, the Department of Public Health ("DPH") hereby gives notice of its intent to adopt regulations concerning the minimum staffing level requirements for nursing homes, as authorized by subsection (b) of section 19a-563h of the Connecticut General Statutes. A description of the proposed regulations, a statement of the purposes for which they are proposed, and information concerning when, where and how interested parties may present views on and obtain copies of the proposed regulations is provided below.

The Department has implemented policies and procedures as authorized pursuant to section 19a-563h(b) of the Connecticut General Statutes, effective January 5, 2024. Policies and procedures implemented pursuant to this section shall be valid until the time final regulations under this section are adopted.

#### **Comment Period** (Conn. Gen. Stat. § 4-168 (a)(1)(A))

A comment period of not less than thirty days shall begin on February 13, 2024 and shall end on March 14, 2024.

#### **Description of Proposed Regulations** (Conn. Gen. Stat. § 4-168 (a)(1)(B))

These proposed regulations amend existing regulations to establish minimum staffing level requirements for nursing homes. The proposed regulations modify staffing level requirements for direct nursing care to a minimum level for 3 hours of direct care per resident per day, and further amend minimum social work and recreational staffing levels per resident.

The proposed regulation amends Section 19-13-D8t(m) of the Regulations of Connecticut General Statutes to add a definition of "direct care staff", and to require minimum direct care staffing levels of three hours of direct care per resident per day. The proposed regulation further 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. Lastly 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.

#### **Statement of Purpose** (Conn. Gen. Stat. § 4-168(a)(1)(C))

Effective May 23, 2022, Public Act 21-185 requires the Department of Public Health to adopt regulations to establish minimum staffing level requirements for nursing homes of 3 hours of direct care per resident per day, to modify staffing level requirements for social work and recreational staff to ensure there is one full-time social worker per 60 residents, and to lower the level for recreational staff. The purpose of setting minimum staffing level requirements is to ensure the quality of care for residents.



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**Statutory Authority** (Conn. Gen. Stat. § 4-168(a)(1)(D))

The statutory authority for amending section 19-13-D8t(m), 19-13-D8t(r) and 19-13-D8t(s) is Section 19a-563h of the Connecticut General Statutes.

The statutory authority for implementing policies and procedures necessary to administer the provisions of this section is Section 19a-563h(b).

**Copies of Small Business Impact and Regulatory Flexibility Analysis** (Conn. Gen. Stat. § 4-168(a)(1)(E))

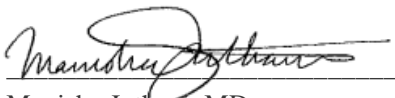
The DPH has prepared a small business impact analysis required pursuant to section 4-168a that is available for review upon request, or by visiting the Connecticut eRegulations System at <https://eregulations.ct.gov>.

**Comments on Proposed Regulations** (Conn. Gen. Stat. 4-168(a)(1)(F))

Interested persons may present their views, data and arguments regarding this proposed regulation in writing during the public comment period. Interested persons may submit their written comments to the Department regarding this regulation using one of the following methods:

1. Online on the Secretary of State's webpage at the Connecticut eRegulations System, <http://eregulations.ct.gov>. Select “Open for Public Comment” then select this regulation or search for this regulation on the Connecticut eRegulations System. Then follow instructions for submitting comments;
2. By email to [Dante.Costa@ct.gov](mailto:Dante.Costa@ct.gov); or
3. In writing via U.S. Mail or Express Delivery service to: Commissioner of Public Health, Department of Public Health, 410 Capital Avenue, Hartford, Connecticut 06134-0308; telephone number (860) 509-7259.

In addition, copies of the proposed regulation and related documents may be obtained online at the Connecticut eRegulations System, at <http://eregulations.ct.gov>, select “Regulations in Progress”, then select Department of Public Health, or by writing to Dante Costa, Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut 06134-0308, or by emailing [Dante.Costa@ct.gov](mailto:Dante.Costa@ct.gov).



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