



H.B. 34

124th General Assembly
(As Introduced)

Reps. Barrett, Allen, D. Miller, Krupinski, S. Smith

BILL SUMMARY

- Requires nursing homes to employ registered nurses, licensed practical nurses, and nurse aides sufficient to maintain specified ratios of nurses and nurse aides to residents and meet certain staffing requirements.
- Requires nursing homes to post daily and monthly, in a prominent location in the home, a comparison of the bill's staffing requirements and ratios to the number of residents and staff in the home.
- Creates, every six years, a committee to study the ratios established by the bill and to make recommendations for adjusting them.

CONTENT AND OPERATION

Under current law, the Director of Health is vested with the authority to license nursing homes and is required to enforce the laws and rules governing nursing homes.¹ The Public Health Council adopts rules governing the operation of nursing homes, including requirements on the number and qualifications of nursing home personnel, including management and nursing staff, and the qualifications of nurse aides.²

¹ *A nursing home is a type of health care facility that is used for the reception and care of individuals who, by reason of mental or physical impairment, require skilled nursing care and of individuals who require personal care services but not skilled nursing care (Revised Code section 3721.01; not in bill).*

² *The Public Health Council is part of the Department of Health. It has rule-making authority in a number of areas, including public sanitation and standards for local health departments.*

The bill establishes minimum staffing requirements and ratios for nursing homes and requires nursing home administrators to post evidence of compliance with the bill's provisions. In addition, the bill creates, every six years, a committee to study the ratios established under the bill and make recommendations to the General Assembly for adjusting the ratios.

Staffing requirements and ratios for nursing homes

(secs. 3721.04, 3721.07, 3721.70, and 3721.71)

The bill requires a nursing home to employ registered nurses, licensed practical nurses, and nurse aides sufficient to meet the staffing requirements and ratios of nurses-to-residents and nurse aides-to-residents established under the bill.³ In addition to the civil penalties that may be imposed under the bill (see "**Penalties for violations**," below), failure to meet the staffing requirements and ratios is grounds for the Director of Health to refuse to issue or to revoke a nursing home's license. In a tort or other civil action by a resident of a nursing home against the home, failure to meet the staffing requirements constitutes a rebuttable presumption that the failure was a proximate cause of the alleged injury, death, or loss to person or property.

The bill specifies that rules adopted by the Public Health Council that apply to nursing homes may be no less stringent than the staffing requirements and ratios required by the bill.

Staffing requirements

A nursing home, with one exception, is required to employ a registered nurse to fill each of the following full-time positions:

- (1) Director of Nursing;
- (2) Assistant Director of Nursing;
- (3) Director of Nurse and Nurse Aide Education.

³ "Registered nurse" and "licensed practical nurse" mean an individual who holds a license under Ohio law to practice nursing as a registered nurse or licensed practical nurse (R.C. 4723.01; not in bill). "Nurse aide" means an individual, other than a licensed health professional as defined in the law governing nursing homes, who provides nursing and nursing-related services to residents in a nursing home (R.C. 3721.21; not in bill).

The exception is that a nursing home with fewer than 100 beds may employ one registered nurse to fill the positions described in (2) and (3).

The bill also requires a nursing home to employ registered nurses to supervise other registered nurses, licensed practical nurses, and nurse aides and to have a supervising registered nurse on-duty 24 hours per day, seven days per week.

Staffing ratios

The bill establishes for nursing homes minimum ratios of nurses-to-residents and nurse aides-to-residents; however, the bill specifies that a home may employ additional nurses and nurse aides to ensure quality health care for residents. A nursing home is required to employ nurses and nurse aides sufficient to maintain the following ratios during the specified time periods:

Time period	Nurses-to-residents	Nurse aides-to-residents
Between 6:00 a.m. and 2:00 p.m.	1 to 15	1 to 5
Between 2:00 p.m. and 10:00 p.m.	1 to 25	1 to 10
Between 10:00 p.m. and 6:00 a.m.	1 to 35	1 to 15

Individuals employed by or under contract with a nursing home to provide food preparation, housekeeping, laundry, or maintenance services at the home cannot be counted to meet the ratios required by the bill.

Posting requirements for nursing homes

(sec. 3721.72)

The bill requires the administrator of a nursing home to post, in a prominent location within the home, all of the following:

(1) A poster provided by the Director of Health that describes the staffing requirements and ratios established by the bill.

(2) For each day, all of the following:

(a) For each time period described above (see "Staffing ratios"), the number of nurses and nurse aides scheduled to work and the number who performed work.

- (b) The number of residents at the facility;
- (c) The ratios established by the bill;
- (d) The names of the supervising registered nurses.

(3) For each month, a summary of the information described in (2)(a) and (b), including a monthly average for each figure in comparison to the ratios established by the bill.

The information described in (2) must be posted on the following day and remain posted until it is replaced by the next day's posting. The information described in (3) must be posted no later than seven days after the last day of the month that is the subject of the report and remain posted until it is replaced by the next month's posting. The bill requires a nursing home to maintain, subject to inspection by the Director, copies of the postings described in (2) and (3).

Penalties for violations

(secs. 3701.83, 3721.03, 3721.74, and 3721.99)

The Director of Health is required to enforce the bill and may issue orders to secure compliance. The Director is required to impose a civil penalty after determining that a person has violated the bill and affording the person an opportunity for a hearing conducted in accordance with the Administrative Procedure Act. For violations of the bill's staffing requirements and ratios, the penalty is at least \$1,000 but not more than \$10,000, depending on the severity of the violation, as determined by the Director. For violations of the posting requirements, the penalty is \$1,000. Penalties collected are to be deposited in the Department of Health's general operations fund and must be used solely to administer and enforce the bill and any rules adopted by the Director to implement it.

Duties of the Director of Health

(sec. 3721.73)

The bill requires the Director of Health to do all of the following:

- (1) Provide each nursing home with a poster that describes the staffing requirements and ratios established by the bill;
- (2) Establish by rule a form for posting the information required to be posted by nursing home administrators (see "**Posting requirements for nursing homes**");

(3) Adopt rules to implement the bill.

Committee to study staffing ratios

(sec. 3721.75)

On January 1, 2003, and on January 1 of each sixth year thereafter, the Speaker of the House of Representatives and President of the Senate are to appoint a committee to study the ratios established by the bill. The committee is to consist of the following individuals, who serve without compensation:

(1) Four members of the House of Representatives, two of whom are members of the majority party and two of whom are members of the minority party;

(2) Four members of the Senate, two of whom are members of the majority party and two of whom are members of the minority party;

(3) Two persons who are nurses or nurse aides and employed by nursing homes;

(4) Two nursing home administrators;

(5) Two persons who are nursing home residents or family members of residents.

The committee is required to study the adequacy of the ratios established by the bill and, in doing so, may take into consideration the needs of nursing home residents who are severely ill or infirm. On or before the last day of the biennium in which the committee is appointed, the committee must submit to the Speaker, President of the Senate, and Public Health Council a report summarizing the committee's findings, including a recommendation for adjusting the ratios. The committee ceases to exist on submission of the report.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-31-01	p. 99

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