

[First Reprint]

SENATE, No. 1612

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senators Diegnan and Turner

SYNOPSIS

Establishes minimum certified nurse aide-to-resident ratios in nursing homes.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on May 21, 2018, with amendments.



(Sponsorship Updated As Of: 5/11/2018)

1 AN ACT concerning staffing requirements for nursing homes and
2 supplementing Title 30 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Notwithstanding any other staffing requirements as may
8 be established by law, every nursing home as defined in section 2 of
9 P.L.1976, c.120 (C.30:13-2) or licensed pursuant to P.L.1971, c.136
10 (C.26:2H-1 et seq.) shall maintain the following minimum certified
11 nurse aide-to-resident ratios:

12 (1) one certified nurse aide to every eight residents for the day
13 shift;

14 (2) one certified nurse aide to every 10 residents for the evening
15 shift; and

16 (3) one certified nurse aide to every 16 residents for the night
17 shift.

18 b. Upon any expansion of resident census by the nursing home,
19 the nursing home shall be exempt from any increase in certified
20 nurse aide staffing ratios for a period of nine consecutive shifts
21 from the date of the expansion of the resident census.

22 c. (1) The computation of certified nurse aide minimum
23 staffing ratios shall be carried to the hundredth place.

24 (2) If the application of the ratios listed in subsection a. of this
25 section results in other than a whole number of certified nurse aides
26 for a shift, the number of required certified nurse aides shall be
27 rounded to the next higher whole number when the resulting ratio,
28 carried to the hundredth place, is fifty-one hundredths or higher.

29 (3) All computations shall be based on the midnight census for
30 the day in which the shift begins.

31 d. Nothing in this section shall be construed to affect any
32 minimum staffing requirements for nursing homes as may be
33 required by the Commissioner of Health for staff other than
34 certified nurse aides, or to restrict the ability of a nursing home to
35 increase staffing levels, at any time, beyond the established
36 minimum.

37 e. The minimum certified nurse aide-to-resident ratios required
38 by this section shall not apply to a pediatric long-term care facility
39 licensed in accordance with N.J.A.C.8:33H-1.5.

40 f. The Commissioner of Health shall adopt rules, pursuant to
41 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
42 et seq.), concerning the conspicuous posting in nursing homes of
43 the minimum certified nurse aide-to-resident ratios required by this
44 act, any required reporting by nursing homes of compliance with
45 the provisions of this act, any mechanisms for enforcement, and the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted May 21, 2018.

1 manner in which residents, their families or representatives, or other
2 individuals may report failures of nursing homes to maintain the
3 minimum certified nurse aide-to-resident ratios required by this act.
4

5 ¹[2. Pursuant to the “Administrative Procedure Act,” P.L.1968,
6 c.410 (C.52:14B-1 et seq.), the Commissioner of Health shall adopt
7 rules and regulations to effectuate the purposes of this act.]¹
8

9 ¹[3.] 2.¹ This act shall take effect of the first day of the fourth
10 month next following the date of enactment, but the Commissioner
11 of Health may take such anticipatory administrative action in
12 advance thereof as shall be necessary for the implementation of this
13 act.