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Written testimony of Matthew V. Barrett, President/CEO of the Connecticut Association of Health Care Facilities (CAHCF)

Proposed S.B. No. 375 AN ACT CONCERNING NURSING HOME STAFFING LEVELS.

Good afternoon Senator Abrams, Representative Steinberg and to the members of the Public Health Committee. My name is Matthew V. Barrett, President and CEO of the Connecticut Association of Health Care Facilities (CAHCF), our state's one hundred and sixty member trade association of skilled nursing facilities and rehabilitation centers. Thank you for this opportunity to offer testimony on Proposed S.B. No. 375 AN ACT CONCERNING NURSING HOME STAFFING LEVELS.

This proposed bill requires the adequate reporting of the number of nursing home staff in order to ensure the safety and well-being of nursing home residents. For the committee's consideration, we hope the following background information on the existing federal and state staffing requirements and related staffing reporting requirements will be helpful as the committee deliberates further on the bill.

Federal Rules Implemented in 2018 Require Electronic Staffing Reports

Since April 2018, Center for Medicare and Medicaid Services (CMS) rules, known as "Payroll Based Journal (PBJ) Reporting" require nursing homes to electronically submit staffing information based on payroll and other auditable data quarterly. PBJ reporting requires a high level of detail and includes daily staffing hours by position, staff and locations. The information reported by nursing homes through PBJ is available to the public on the Medicare Nursing Home Compare website. PBJ data is regularly audited by CMS to verify the accuracy of data reported by the nursing homes.

Enhanced CMS Scrutiny for Weekend Nursing Home Staffing

Additionally, beginning late in 2018, CMS began providing state survey agencies, such as the Connecticut Department of Public Health, with a list of nursing homes with potentially low staffing levels. The state agencies are required to conduct additional onsite investigations based upon those lists.

Nursing Home Staffing Posted Daily in Prominent Location at the Nursing Home

Federal regulations also require all nursing homes to post specific, detailed staffing data each day at the beginning of each shift in a prominent location within the facility available to the

public. The information includes the total number and actual hours worked by RNs, LPNs and certified nurse aides as well as the resident census. The information posted must also show any staff absences or call-outs.

Federal Rules Require Sufficient Staffing To Meeting Nursing Home Resident Needs

The Connecticut Department of Public Health oversees federal rules requiring that nursing homes have sufficient nursing staff to provide nursing and related services so as to attain or maintain the highest practicable physical, mental, and psychosocial wellbeing of each resident, as determined by resident assessments and individual plans of care. The rules further require, that nursing home must assure that sufficient qualified nursing staff are available on a daily basis to meet patients' needs for nursing care in a manner and in an environment which promotes each resident's physical, mental and psychosocial wellbeing, thus enhancing their quality of life.

Connecticut Public Health Code (PHC) Minimum Staffing Ratio and Medicaid

The current PHC a minimum staffing ratio of 1.9 nursing staff hours per resident day. State legislation to appropriately increase this outdated minimum upward to 2.3 nursing staff hours was considered in the 2016 Session of the Connecticut General Assembly, but did not achieve final passage, and should be adopted this session. Moreover, given the Medicaid implications of mandate increased staffing requirements, a provision should also be enacted to adjust a nursing home's Medicaid rates to reflect any increased costs associated with the mandate.

CAHCF looks forward to working with the committee as it considers this bill and other legislation seeking to address the adequacy of nursing home staffing and reporting requirements this session.

Thank you. I would be happy to answer any questions you may have.

For additional information: contact: mbarrett@cahcf.org; 860-290-9424.