



Connecticut Association of Health Care Facilities
Connecticut Center for Assisted Living

March 19, 2021

Written testimony of Matthew V. Barrett, President and CEO of the Connecticut Association of Health Care Facilities and the Connecticut Center For Assisted Living (CAHCF/CCAL): in opposition to S.B. No. 668 AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE.

Senate Bill No. 668 (Committee Bill) would require a Connecticut nursing home to pay an employee one hour of pay at the employee's regular rate for each instance when the nursing home, less than fourteen days prior to the commencement of scheduled work hours, adds hours of work or changes the date, time or location of a work shift without loss of hours. The bill would also require a nursing home to pay an employee one-half of the employee's regular rate for any scheduled work hours the employee does not work due to the employer cancelling or reducing the employee's scheduled work hours: (A) After the employee reports to work such scheduled work hours, or (B) less than fourteen days prior to the commencement of such scheduled work hours.

Scheduling and payment requirements of this type would present considerable challenges for Connecticut nursing homes. The nursing home model of care relies heavily on needed flexibility because of the often dramatic fluctuation in the resident census. While all nursing homes have core staffing requirements, it is essential that nursing homes have the flexibility to staff based on the resident census and the care needs of those residents. There are many variable in the staffing equation as it related to care requirements of the resident population on any given day. There are also inherent uncertainties in predicting the number of admissions and discharges that will actually be experienced. Staff hired or volunteering to work on a per diem basis in nursing homes to help address these fluctuation in staffing needs should be exempt from the provisions of this bill.

Moreover, 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. Through no fault of the nursing home, staffing needs can change on short notice. Consequently, the anticipated census and related care requirements are not actually experienced. Nursing homes shouldn't be penalized with these increased costs when the fluctuations in staffing are inherent in the nursing home model of care, especially considering the decade's long period of time where nursing homes Medicaid underfunding.

For these reasons, CAHCF asks that Connecticut nursing home be excluded from the bill's requirements.

Thank you for this opportunity to discuss the difficult issue this bill presents for Connecticut nursing homes.

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