

[First Reprint]

ASSEMBLY, No. 4636

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JUNE 29, 2015

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**Assemblywoman Muoio, Assemblymen Diegnan, Eustace, Benson,
Assemblywomen Mosquera, Tucker and Jasey**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Human Services Committee on December 14, 2015, with amendments.



(Sponsorship Updated As Of: 12/18/2015)

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 be
8 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 ¹**[nursing assistant-to-resident]** nurse aide¹ ratios:

12 (1) one certified ¹**[nursing assistant]** nurse aide¹ to every ¹**[six]**
13 eight¹ residents for the day shift;

14 (2) one certified ¹**[nursing assistant]** nurse aide¹ to every ¹**[nine]**
15 10¹ residents for the evening shift; and

16 (3) one certified ¹**[nursing assistant]** nurse aide¹ to every ¹**[14]**
17 16¹ residents for the night 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 ¹**[nursing assistant]** nurse aide¹ staffing ratios for a period of nine
21 consecutive shifts from the date of the expansion of the resident
22 census.

23 c. (1) The computation of certified ¹**[nursing assistant]** nurse
24 aide¹ minimum staffing ratios shall be carried to the hundredth place.

25 (2) If the application of the ratios listed in subsection a. of this
26 section results in other than a whole number of certified ¹**[nursing**
27 **assistant]** nurse aides¹ for a shift, the number of required certified
28 ¹**[nursing assistant]** nurse aides¹ shall be rounded to the next higher
29 whole number when the resulting ratio, carried to the hundredth place,
30 is fifty-one hundredths or higher.

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

33 d. Nothing in this section shall be construed to affect any
34 minimum staffing requirements for nursing homes as may be required
35 by the Commissioner of Health for staff other than certified ¹**[nursing**
36 **assistant]** nurse aides¹, or to restrict the ability of a nursing home to
37 increase staffing levels, at any time, beyond the established minimum.

38

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

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:

¹Assembly AHU committee amendments adopted December 14, 2015.

1 3. This act shall take effect of the first day of the fourth month
2 next following the date of enactment, but the Commissioner of
3 Health may take such anticipatory administrative action in advance
4 thereof as shall be necessary for the implementation of this act.3.3