

SENATE, No. 2712

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 20, 2020

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/14/2020)

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

41
42 3. This act shall take effect of the first day of the fourth month
43 next following the date of enactment, but the Commissioner of
44 Health may take such anticipatory administrative action in advance
45 thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill establishes minimum ratios for the number of certified nurse aides (CNAs) to the number of residents in nursing homes.

Under current regulations, the Department of Health requires nursing homes to meet a minimum number of hours of direct care staff-to-resident time per day.

Under the bill, CNA-to-resident ratios will be as follows:

- (1) one CNA for every eight residents on the day shift;
- (2) one CNA for every 10 residents on the evening shift; and
- (3) one CNA for every 16 residents on the night shift.

The bill sets forth a methodology for computing the appropriate ratio, and provides that a nursing home that experiences an increase in resident census is exempt from increasing the number of CNAs for nine consecutive shifts.

Nothing in the bill would affect any other minimum staffing requirements as may be mandated by the Commissioner of Health for nursing home staff other than CNAs, and nothing in the bill would prohibit a nursing home from establishing staffing levels above the established minimum.