

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. _____ 615

By: Williams

AS INTRODUCED

An Act relating to public health and safety; requiring maintenance of certain staff-to-resident ratios in nursing homes; defining terms; requiring certain report; requiring study of cost savings and cost of compliance; requiring establishment of certain penalty; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1925.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. All nursing facilities subject to the Nursing Home Care Act, in addition to other state and federal requirements related to the staffing of nursing facilities, shall maintain the following minimum direct care staff to resident ratios:

1. From 7:00 a.m. to 3:00 p.m., one direct care nursing staff to every seven residents;

2. From 3:00 p.m. to 11:00 p.m., one direct care nursing staff to every ten residents; and

3. From 11:00 p.m. to 7:00 a.m., one direct care nursing staff to every twelve residents;

provided, however, by the year 2000, such ratios shall be one direct care nursing staff to every seven residents.

B. As used in this section:

1. "Nurse aide" means any person who provides nursing or nursing related services to residents in a nursing facility, and who has been certified as a nurse aide by the State Department of

Health. The term "nurse aide" shall not include a registered nurse, a licensed practical nurse, a certified medication aide, a dietitian, janitorial staff, a therapist or therapy assistant, an activity and social service director, or staff or administrative staff of the nursing facility; and

2. "Direct care nursing staff" means any nurse aide, registered nurse, licensed practical nurse, or certified medication aide who provides hands-on nursing or hands-on nursing related services to residents in a nursing facility. Registered nurses, licensed nurses and certified medication aides who are not providing direct, hands-on nursing services to residents shall not be included in the direct-care-nursing-staff-to-resident ratio in any shift.

C. The State Department of Health shall submit a report on January 1 of each year to the President Pro Tempore of the Senate and the Speaker of the House of Representatives detailing which nursing facilities are meeting the minimum direct-care-nursing-staff-to-resident ratios specified by this section, and which nursing facilities are failing to meet such ratios. Such report shall be available to the public upon request.

D. 1. The Oklahoma Health Care Authority shall study the cost savings related to hospitalization, surgery, other therapies and treatments, and workers' compensation which may be achieved by mandatory increases in the numbers of direct care nursing staff.

2. The Oklahoma Health Care Authority shall also study the cost to nursing facilities of compliance with the provisions of this section, and shall establish a penalty that exceeds the cost of compliance.

SECTION 2. This act shall become effective November 1, 1999.

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