

## SB 714 STAFF MEASURE SUMMARY

### Senate Committee On Human Services, Mental Health and Recovery

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**Prepared By:** C. Ross, Counsel

**Meeting Dates:** 3/18, 4/1, 4/8, 4/13

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#### WHAT THE MEASURE DOES:

Requires staffing ratios in residential and memory care facilities, unless the facility has documented daily implementation of a staffing plan based on its use of an acuity-based staffing tool, as specified, that the Department of Human Services (DHS) is already required to make available. Specifies at least one awake caregiver: for every 7 residents from 7:00 AM to 3:00 PM; for every 9.5 residents from 3:00 to 11:00 PM; and for every 17 residents from 11:00 PM to 6:00 AM. Requires DHS to ensure the required staffing ratios when investigating safety concerns.

#### ISSUES DISCUSSED:

- Staffing to a set minimum required level, or using the acuity tool
- Finding the most effective approach to improve safety and care
- Bare number of residents not equating to level of need
- Prioritizing residents: their safety, their voices
- Relationship with and impact on previous legislation: House Bill 3359 (2017), House Bill 2600 (2019) and Senate Bill 917 (2019); distinguishing this measure (House Bill 3359 applying tool across facilities, this measure providing for stricter regulatory response for memory care facilities, due to high concentration of concerns)
- Length of and reasons for delay with DHS' implementation of acuity tool
- Companion measure, Senate Bill 266, and its provisions
- Subjectivity of needs assessments; need for objective tool to analyze staffing levels

#### EFFECT OF AMENDMENT:

*[-1 amendment dated 4/5/21]* Replaces the measure. Requires DHS-provided acuity-based staffing tool to be operational online for residential care providers by January 1, 2022. Requires DHS to establish minimum requirements for and frequency of assessments by acuity-based staffing tools adopted by facilities in lieu of using tool provided by DHS. Specifies features of such tool, including requirement for tool to recommend staffing levels. Requires DHS to assess facility staffing when conducting a survey, approving a license or renewal, or investigating specified complaints, at minimum, starting February 1, 2022, and specifies the content of such assessments. Specifies DHS action based on findings from the assessment as follows: requires facility to use tool provided by DHS if no tool in use; requires enhanced oversight, certain licensing conditions, DHS' establishment of staffing requirements, a corrective plan in place until flaws are cured, as well as other actions DHS may deem necessary to ensure compliance, if residents' needs are not being met; requires staffing assessment by DHS, certain licensing conditions, and continuous oversight for at least six months if tool is in use but facility is not recalibrating to meet residents' needs consistently. Requires memory care facilities to adopt either the DHS-provided acuity-based staffing tool or a tool that meets requirements established by DHS in rule by February 1, 2022. Sets effective date 91st day after *sine die* adjournment.

*[-4 amendment dated 4/8/21]* Builds on -1 amendment. Requires DHS *pilot* of acuity-based staffing tool to be completed and operational online for residential care providers by January 1, 2022. Requires DHS to solicit participant feedback and report to the legislature on implementation by October 1 and December 1, 2021. Modifies definition of facility to incorporate existing statutory definition of residential care facility.

#### BACKGROUND:

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*This summary has not been adopted or officially endorsed by action of the committee.*

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The Department of Human Services (DHS) is currently required to make an acuity-based staffing tool available that it and residential care facilities may use collaboratively to evaluate whether the facility has enough qualified caregivers to meet residents' needs and to share staffing plan information with residents and their families; however, the tool has not yet been fully implemented. Use of the acuity tool is currently optional and only required when DHS and a subject facility disagree about whether staffing is adequate. With respect to endorsed memory care facilities, DHS is currently required to adopt specified standards by rule, with input from the long term care community, to ensure the quality of care meets residents' needs.

Senate Bill 714 imposes required staffing ratios at endorsed memory care facilities and residential care facilities unless the facility thoroughly documents its implementation of staffing ratios in conformity with the acuity tool.