



# County of Santa Cruz

## BOARD OF SUPERVISORS

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TONY CAMPOS  
FOURTH DISTRICT

JEFF ALMQUIST  
FIFTH DISTRICT

AGENDA: 4/24/01

April 18, 2001

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

RE: RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY  
BILL 1075 TO PROVIDE SAFE STAFFING RATIOS FOR  
NURSING HOMES, AND FURTHER ENDORSING THE CAMPAIGN  
TO "FIX CALIFORNIA NURSING HOMES NOW!"

Dear Members of the Board:

Within the news over the last several weeks have been numerous reports regarding unsafe and abusive conditions in several of our nursing homes. This is, unfortunately, an issue that has repeated itself all too often over the last many years. It is not just a problem in Santa Cruz County but throughout the state.

Clearly, some reforms must be taken to prevent these dangerous conditions. One would be to alter the method of payment to these facilities. This would ensure that when the State raises patient rates, the money really goes to service for patients through better patient care.

State government is the dominant force in California's nursing home industry, licensing and regulating skilled nursing facilities and paying the costs for two-thirds of all nursing home residents through the Medi-Cal program. Under the state's current "flat rate" nursing home funding system, facilities have an incentive to maximize profits by short-staffing and providing the lowest possible wages and benefits.

In response to these circumstances, Assembly Member Shelley has introduced Assembly Bill 1075 which would address issues relative to staffing ratios in skilled nursing facilities. Specifically,

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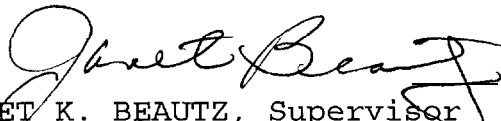
commencing January 1, 2002, AB 1075 would require every skilled nursing facility to meet specified minimum staff-to-patient ratios with regard to direct caregivers, **as** defined, and licensed nurses. AB 1075 would also require the facility to post the staffing ratio requirements as provided under the bill and would make a violation of these provisions subject to citation and fine. In addition, AB 1075 would require the State Department of Health Services, no later than January 1, 2006, and every five years thereafter, to consult with designated entities to determine the sufficiency of the staffing standards, to adopt regulations to increase the minimum staffing ratios to adequate levels, as necessary, and to examine the effectiveness of the implementation and enforcement of the bill.

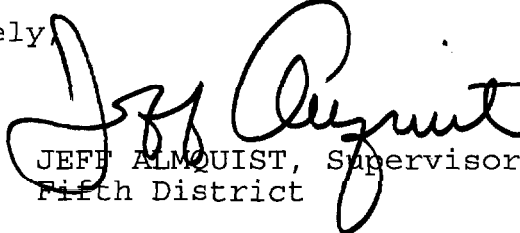
In addition, the Service Employees International Union and its allies have launched a campaign to "Fix California Nursing Homes Now!" by establishing safe staffing standards and a nursing home funding system that promotes safe care and decent working conditions.

In order for the Board to indicate our support for these efforts to provide critically needed reforms for both patients and caregivers in skilled nursing facilities, I recommend that the Board of Supervisors take the following actions:

1. Adopt the attached resolution supporting the passage of Assembly Bill 1075 and further endorsing the campaign to "Fix California Nursing Homes Now!"
2. Direct the Clerk of the Board to distribute the resolution **as** indicated.
3. Direct the County Administrative Officer to place the Bill in our legislative tracking system.

Sincerely,

  
 JANET K. BEAUTZ, Supervisor  
 First District

  
 JEFF ALMQUIST, Supervisor  
 Fifth District

JKB/JA:ted  
 Attachment

cc: Tim McCormick, SEIU Local 250  
 Human Resources Agency  
 Seniors Commission  
 Long Term Care Interagency Commission  
 Assembly Member Shelley

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted

RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY BILL 1075 TO PROVIDE  
SAFE STAFFING RATIOS FOR NURSING HOMES, AND FURTHER ENDORSING THE  
CAMPAIGN TO "FIX CALIFORNIA NURSING HOMES NOW!"

WHEREAS, California has the nation's largest and fastest growing number of frail seniors and people with disabilities in need of nursing care; and

WHEREAS, these individuals are entitled to live decently, in safety, with dignity, rights, and respect; and

WHEREAS, the quality of care in California's nursing homes is among the worst in the nation, ranking 49<sup>th</sup> in the number of resident care deficiencies, with consistently more than twice the national average of resident care violators and only five percent of facilities in substantial compliance with state and federal regulations; and

WHEREAS, these crisis conditions of inadequate care produce extreme physical discomfort and emotional anguish as well as serious medical conditions including bedsores, dehydration, malnutrition, and unnecessary death; and

WHEREAS, these crisis conditions result from chronic short staffing, as California's current required staffing levels fall more than 20 percent beneath the minimum safe staffing standards recommended by the National Citizens' Coalition for Nursing Home Reform; and

WHEREAS, these crisis conditions also result from the near poverty level wages, inadequate benefits, and unsafe working conditions suffered by California's nursing home caregivers, which make it impossible to attract and maintain a stable and experienced workforce; and

WHEREAS, state government is the dominant force in California's nursing home industry, licensing and regulating skilled nursing facilities and paying the costs for two-thirds of all nursing home residents through the Medi-Cal program; and

WHEREAS, under the state's current "flat rate" nursing home funding system, facilities have an incentive to maximize profits by short-staffing and providing the lowest possible wages and benefits; and

RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY BILL 1075 TO PROVIDE SAFE STAFFING RATIOS FOR NURSING HOMES, AND FURTHER ENDORSING THE CAMPAIGN TO "FIX CALIFORNIA NURSING HOMES NOW!"  
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WHEREAS, Assembly Member Shelley has introduced Assembly Bill 1075 which, commencing January 1, 2002, would require every skilled nursing facility to meet specified minimum staff-to-patient ratios with regard to direct caregivers, as defined, and licensed nurses; and

WHEREAS, AB 1075 would require the facility to post the staffing ratio requirements as provided under the bill; and

WHEREAS, AB 1075 would make a violation of these provisions subject to citation and fine; and

WHEREAS, AB 1075 would further require the State Department of Health Services, no later than January 1, 2006, and every five years thereafter, to consult with designated entities to determine the sufficiency of the staffing standards, to adopt regulations to increase the minimum staffing ratios to adequate levels, as necessary, and to examine the effectiveness of the implementation and enforcement of the bill; and

WHEREAS, in addition, the Service Employees International Union and its allies have launched a campaign to "Fix California Nursing Homes Now!" by establishing safe staffing standards and a nursing home funding system that promotes safe care and decent working conditions; and

WHEREAS, both Assembly Bill 1075 and the "Fix California Nursing Homes Now!" campaign are designed to provide critically needed reforms for both patients and caregivers in skilled nursing facilities.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors hereby supports the passage of Assembly Bill 1075 and endorses the campaign to "Fix California Nursing Homes Now!" and all of its goals, including reforming the state's nursing home funding system in accordance with the principle that facilities that staff better and provide better wages and benefits should receive higher reimbursements than those that do not take these steps to improve the quality of care.

RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY BILL 1075 TO PROVIDE SAFE STAFFING RATIOS FOR NURSING HOMES, AND FURTHER ENDORSING THE CAMPAIGN TO "FIX CALIFORNIA NURSING HOMES NOW!"  
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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS

\_\_\_\_\_  
TONY CAMPOS, Chairman  
Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of said Board

Approved as to form:

Kim Elizabeth Bassett  
County Counsel

DISTRIBUTION: Assembly Member Shelley  
Assembly Member Keeley  
Assembly Member Salinas  
Senator McPherson  
Tim McCormick, SEIU Local 250  
Human Resources Agency  
Seniors Commission  
Long Term Care Interagency Commission  
County Counsel

2515A1

INTRODUCED BY Assembly Member Shelley

FEBRUARY 23, 2001

An act to add Section 1276.65 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

PB 1075, as introduced, Shelley. Skilled nursing facilities: staffing ratios.

Existing law provides for the licensure and regulation of health facilities, including skilled nursing facilities, by the State Department of Health Services. Existing law specifies various minimum staff-to-patient ratio requirements in skilled nursing facilities. A violation of these provisions by health facilities is subject to criminal sanction.

This bill, commencing January 1, 2002, would require every skilled nursing facility to meet specified minimum staff-to-patient ratios with regard to direct caregivers, as defined, and licensed nurses. The bill would require the facility to post the staffing ratio requirements as provided under the bill. The bill would make a violation of these provisions subject to citation and fine. Because the bill would change the definition of a crime with regard to health facilities, it would impose a state-mandated local program.

The bill would require the department, no later than January 1, 2006, and every 5 years thereafter, to consult with designated entities to determine the sufficiency of the staffing standards, to adopt regulations to increase the minimum staffing ratios to adequate levels, as necessary, and to examine the effectiveness of the implementation and enforcement of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- 1) Skilled nursing facilities need adequate staffing levels in order to provide the decent and humane care that patients deserve.
- 2) Compliance with minimum staffing requirements will be increased if residents, residents' families, facility employees, and state inspectors can determine easily whether or not a skilled nursing facility is in compliance.
- 3) It is difficult for residents, residents' families, facility employees, and state inspectors to monitor a skilled nursing facility's compliance with a staffing standard based on the nursing hours per patient day provided by a facility.
  - b) It is the intent of the Legislature to enact legislation that does all of the following:
    - 1) Increases minimum staffing requirements to a level that assures decent and humane care for patients.
    - 2) Requires that minimum staffing requirements be set forth as ratios of patients per direct caregiver, so that residents, residents' families, facility employees, state inspectors, and others may assist in ensuring compliance with the law.

SEC. 2. Section 1276.65 is added to the Health and Safety Code, to read:

1276.65. (a) For purposes of this section, the following definitions shall apply:

(1) "Direct caregiver" means a registered nurse, as referred to in Section 2732 of the Business and Professions Code, a licensed vocational nurse, as referred to in Section 2864 of the Business and Professions Code, and a certified nurse assistant, as defined in Section 1337.

(2) "Skilled nursing facility" means a skilled nursing facility as defined in subdivision-(c) of Section 1250.

(b) A person employed to provide services such as food preparation, housekeeping, laundry, or maintenance services shall not provide nursing care to residents and shall not be counted in determining ratios under this section.

(c) (1) Effective January 1, 2002, in a skilled nursing facility, there shall be direct caregivers working in at least the following ratios:

(A) During the day shift, the direct caregiver to patient ratio shall be one direct caregiver for each seven or fewer patients at all times.

(B) During the afternoon shift, the direct caregiver to patient ratio shall be one direct caregiver for each 12 or fewer patients at all times.

(C) During the night shift, the direct caregiver to patient ratio shall be one direct caregiver for each 17 or fewer patients at all times.

(2) Effective January 1, 2004, in a skilled nursing facility, there shall be direct caregivers working in at least the following ratios:

(A) During the day shift, the direct caregiver to patient ratio shall be one direct caregiver for each five or fewer patients at all times.

(B) During the afternoon shift, the direct caregiver to patient ratio shall be one direct caregiver for each 10 or fewer patients at all times.

(C) During the night shift, the direct caregiver to patient ratio shall be one direct caregiver for each 15 or fewer patients at all times.

(d) (1) Effective January 1, 2002, a skilled nursing facility, in addition to the staff required in subdivision (b), shall employ licensed nurses to provide direct care in at least the following ratios:

(A) During the day shift, the licensed nurse to patient ratio shall be one licensed nurse for each 20 or fewer patients at all times.

(B) During the afternoon shift, the licensed nurse to patient ratio shall be one licensed nurse for each 25 or fewer patients at all times.

(C) During the night shift, the licensed nurse to patient ratio shall be one licensed nurse for each 35 or fewer patients at all times.

(2) Effective January 1, 2004, a skilled nursing facility, in addition to the staff required in subdivision (b), shall employ licensed nurses to provide direct care in at least the following ratios:

(A) During the day shift, the licensed nurse to patient ratio shall be one licensed nurse for each 15 or fewer patients at all times.

(B) During the afternoon shift, the licensed nurse to patient ratio shall be one licensed nurse for each 20 or fewer patients at all times.

(C) During the night shift, the licensed nurse to patient ratio shall be one licensed nurse for each 30 or fewer patients at all times.

(e) The staffing ratios set forth in this section are minimum standards only. Nursing facilities shall employ and schedule additional staff as needed to ensure quality resident care and compliance with all relevant staffing requirements.

(f) No later than January 1, 2006, and every five years thereafter, the department shall consult with consumers, consumer

advocates, recognized collective bargaining agents, and providers to determine the sufficiency of the staffing standards provided in this section and, as necessary, shall adopt regulations to increase the minimum staffing ratios to adequate levels. In this consultation and review process, the department shall also examine the effectiveness of the implementation and enforcement of this section.

(g) Every skilled nursing facility shall post the staffing ratios required by this section and any regulations adopted pursuant thereto in a prominent location in the facility. The posted information shall be in a poster format approved by the department.

(h) (1) Notwithstanding any other provision of law, the department shall inspect for compliance with this section during inspection required under Section 1422. This inspection requirement shall not limit the department's authority in other circumstances to cite for violations of this section or to inspect for compliance with this section.

(2) A violation of this section shall be subject to citation under Section 1424. A violation shall constitute no less than a Class "B" violation, and may constitute a Class "A" or "AA" violation pursuant to the standards set forth in Section 1424.

(i) The requirements of this section are in addition to any requirement set forth in Sections 1276.5 of this code and Section 14110.7 of the Welfare and Institutions Code.

SFC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIIIIB of the California Constitution.