

1 AN ACT relating to minimum staffing requirements for long-term care facilities.

2 WHEREAS, long-term care facilities have an insufficient number of direct-care
3 staff, including nurse aides, registered nurses, and licensed practical nurses; and

4 WHEREAS, Kentucky currently follows the federal staffing standards, which
5 require one registered nurse on duty for eight consecutive hours per day for seven days
6 per week and one registered nurse or licensed practical nurse on duty for 24 hours per day
7 for seven days a week, but Kentucky does not have staffing requirements in long-term
8 care facilities that go beyond these requirements; and

9 WHEREAS, federal staffing standards do not require a minimum level of staff that
10 are nurse aides; and

11 WHEREAS, having too few nurse aides compromises patient safety and places
12 residents at risk for health conditions and injuries, including but not limited to bedsores,
13 dehydration, malnutrition, and broken bones from falls; and

14 WHEREAS, Kentucky can improve the safety of residents of long-term care
15 facilities by requiring a specified staff-to-resident ratio that exceeds the federal minimum
16 staffing standards; and

17 WHEREAS, it is in the best interests of the citizens of the Commonwealth for the
18 General Assembly to require long-term care facilities to maintain a specified staff-to-
19 resident ratio that exceeds the federal staffing standards and improves access to better
20 care to patients in need of long-term care services;

21 NOW, THEREFORE,

22 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

23 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO
24 READ AS FOLLOWS:

25 ***As used in Sections 1 to 3 of this Act:***

26 ***(1) "Cabinet" means the Cabinet for Health and Family Services;***

27 ***(2) "Direct-care" means duties that include caring for residents as opposed to***

1 administrative duties such as office work; and
2 (3) "Long-term care facility" or "facility" means a long-term care facility as defined
3 in KRS 216.510 excluding intermediate care facilities for individuals with
4 intellectual disabilities, personal care homes, family care homes, and institutions
5 for the treatment of mental illness.

6 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) The cabinet shall implement a system that shall include but not be limited to the
9 following staff-to-resident ratios as a condition of licensure or relicensure for
10 long-term care facilities:

11 (a) On and after July 30, 2025, a long-term care facility shall maintain a ratio
12 of unlicensed nursing personnel to facility residents of no fewer than:

13 1. One (1) nurse aide to nine (9) residents at all times during the day
14 shift;

15 2. One (1) nurse aide to ten (10) residents at all times during the evening
16 shift; and

17 3. One (1) nurse aide to nineteen (19) residents at all times during the
18 night shift;

19 (b) On and after July 30, 2025, a long-term care facility shall maintain a ratio
20 of direct-care registered nurses or licensed practical nurses of no fewer
21 than:

22 1. One (1) nurse to twenty-one (21) residents at all times during the day
23 shift;

24 2. One (1) nurse to twenty-nine (29) residents at all times during the
25 evening shift; and

26 3. One (1) nurse to thirty-two (32) residents at all times during the night
27 shift;

- 1 (c) On and after July 30, 2025, long-term care facilities with seventy-five (75)
2 or more beds shall employ a registered nurse supervisor during the day and
3 evening shifts, in addition to the staff required under paragraphs (a) and (b)
4 of this subsection;
- 5 (d) On and after July 30, 2025, long-term care facilities with one hundred (100)
6 or more beds shall employ the following staff, in addition to the staff
7 required under paragraphs (a), (b), and (c) of this subsection:
- 8 1. A registered nurse supervisor during the night shift;
9 2. A full-time assistant director of nursing; and
10 3. A full-time director of education;
- 11 (e) All minimum staffing ratios in paragraphs (a) and (b) of this subsection
12 shall be computed on the basis of a weekly average. For the purpose of this
13 section, a week is defined as the days Sunday through Saturday; and
- 14 (f) Registered nurses or licensed practical nurses may be used to comply with
15 the minimum staffing requirements for nurse aides in paragraph (a) of this
16 subsection if:
- 17 1. The minimum staffing requirements for registered nurses or licensed
18 practical nurses in paragraph (b) of this subsection also are
19 maintained at the facility; and
- 20 2. The registered nurses or licensed practical nurses are performing the
21 duties of a nurse aide.
- 22 (2) A facility employee designated as a member of the nursing staff shall not be
23 required to provide non-nursing services, including but not limited to food
24 preparation, laundry, and maintenance services, except as necessary to maintain
25 a safe and sanitary environment. Persons providing non-nursing services shall
26 not be counted in determining the staffing ratios required by this section.
- 27 (3) A long-term care facility that has failed to comply with the minimum staffing

1 requirements under this section for two (2) consecutive days shall be prohibited
2 from accepting new admissions of residents until the facility has achieved the
3 required staffing for a period of six (6) consecutive days. The cabinet may
4 establish exceptions for absences due to weather emergencies or other similar
5 events beyond the control of the facility. A resident of a long-term care facility
6 who returns after an absence from the facility for the purpose of receiving
7 medical care at a separate location or after a leave of absence is not considered a
8 new admission.

9 (4) The staffing ratios required under this section shall be the minimum direct care-
10 nursing staff requirements and shall be adjusted upward to meet the care needs
11 of the residents. Any modification of staffing ratios based on acuity of care shall
12 be recorded by the facility for each day and each shift. A report shall be made
13 each quarter of the state fiscal year to the Office of Inspector General within the
14 cabinet on direct-care staffing based on the acuteness of the residents. These
15 records shall be open for inspection upon request.

16 (5) The cabinet shall promulgate administrative regulations in accordance with KRS
17 Chapter 13A to provide the Office of Inspector General within the cabinet the
18 authority to enforce compliance with this section.

19 (6) A long-term care facility that violates this section shall be subject to a civil fine of
20 no more than one thousand dollars (\$1,000) for each day that a staffing
21 requirement is not maintained.

22 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) There is hereby created within the cabinet a sixteen (16) member Long-Term
25 Care Minimum Staffing Committee to annually review staffing requirements in
26 long-term care facilities. Membership of the committee shall consist of the
27 following:

- 1 (a) The commissioner of the Department for Medicaid Services or a designee;
- 2 (b) The commissioner of the Department for Aging and Independent Living or
- 3 a designee;
- 4 (c) The inspector general within the cabinet or a designee;
- 5 (d) The executive director of the Kentucky Chapter of the Alzheimer's
- 6 Association or a designee;
- 7 (e) A nursing home administrator designated by the board of directors of the
- 8 Kentucky Association of Health Care Facilities;
- 9 (f) The president of the Kentucky Hospital Association or a designee;
- 10 (g) Three (3) district long-term care ombudsmen representing diverse areas of
- 11 the state;
- 12 (h) A member designated by the Kentucky chapter of the American Association
- 13 of Retired Persons;
- 14 (i) A hospice administrator as designated by the Kentucky Association of
- 15 Hospice and Palliative Care;
- 16 (j) A nurse who is currently employed by a long-term care facility designated
- 17 by the Kentucky Nurses Association;
- 18 (k) A nursing home administrator as designated by the board of directors of
- 19 LeadingAge Kentucky or a designee; and
- 20 (l) Three (3) members representing long-term care facility families designated
- 21 by the state long-term care ombudsman, who shall be from diverse areas of
- 22 the state and shall not be selected from a long-term care facility that is
- 23 represented by a member of the committee.
- 24 (2) A quorum of the committee shall be nine (9) or more members.
- 25 (3) The cabinet shall provide sufficient staff for the committee.
- 26 (4) The chair of the committee shall be chosen from the members identified in
- 27 paragraphs (d) to (l) of subsection (1) of this section. The committee shall meet

- 1 upon call of the chair or upon call of nine (9) members of the committee.
- 2 (5) On or before December 1, 2025, and every December 1 thereafter, the committee
- 3 shall report to the Legislative Research Commission for referral to the Interim
- 4 Joint Committee on Health Services the results of its annual review of staffing
- 5 requirements, including any recommended changes to the requirements.