

HOUSE BILL 316

Introduced by Cocchiarella, et al.

1/22	Introduced
1/22	Referred to Human Services & Aging
1/22	First Reading
1/22	Fiscal Note Requested
1/29	Fiscal Note Received
2/01	Fiscal Note Printed
2/03	Hearing
2/03	Revised Fiscal Note Received
2/05	Revised Fiscal Note Printed
2/10	Tabled in Committee
2/11	Motion Failed to take from Committee and place on 2nd Reading

1 House BILL NO. 316
 2 INTRODUCED BY Chockiwalla, Whalen JA
 3 Bill Russell
 4 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE MINIMUM
 5 DAILY STAFFING PATTERN FOR NURSING SERVICES IN LONG-TERM
 6 CARE FACILITIES."
 7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 NEW SECTION. Section 1. Long-term care facilities --
 10 minimum staffing pattern. (1) A long-term care facility
 11 offering skilled nursing care shall provide staff in
 12 accordance with the following schedule:
 13 0 to 59 Beds 60 to 119 Beds 120 or More Beds
 14 Daytime (8 a.m. to 5 p.m.)
 15 1 DON 1 DON 1 DON
 16 1 RN coordinator 1 RN coordinator 1 RN coordinator
 17 1 DCG per 8 beds 1 DCG per 8 beds 1 DCG per 8 beds
 18 Evening (5 p.m. to 10 p.m.)
 19 1 LPN 1 LPN 1 LPN
 20 1 DCG per 12 beds 1 DCG per 12 beds 1 DCG per 12 beds
 21 Nighttime (10 p.m. to 8 a.m.)
 22 1 LPN 1 LPN 1 LPN
 23 1 DCG per 15 beds 1 DCG per 15 beds 1 DCG per 15 beds
 24 (2) A director of nursing in a facility of 59 beds or
 25 less may also serve as the RN coordinator.

1 (3) For the purposes of subsection (1), the following
 2 definitions apply:
 3 (a) "DCG" means a direct caregiver, who must be a
 4 nursing aide or other person qualified to give care in
 5 accordance with state and federal law.
 6 (b) "DON" means a director of nursing, who must be a
 7 registered professional nurse licensed in accordance with
 8 Title 37, chapter 8.
 9 (c) "LPN" means a person licensed as a licensed
 10 practical nurse in accordance with Title 37, chapter 8.
 11 (d) "RN coordinator" means a person licensed as a
 12 registered professional nurse in accordance with Title 37,
 13 chapter 8, who is supervised by the director of nursing and
 14 who is the immediate supervisor of direct caregivers.
 15 NEW SECTION. Section 2. Codification instruction.
 16 [Section 1] is intended to be codified as an integral part
 17 of Title 50, chapter 5, part 2, and the provisions of Title
 18 50, chapter 5, part 2, apply to [section 1].

-End-

HB 316
 INTRODUCED BILL

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0316, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act specifying the minimum daily staffing pattern for nursing services in long-term care facilities.

ASSUMPTIONS:


Department of Corrections and Human Services

1. The Montana Veterans Nursing Home (MVH), Montana State Hospital at Warm Springs (MSH-WS) and Galen (MSH-G), and the Montana Center for the Aged at Lewistown (CA) would all be required to meet the staffing levels outlined in the act.
2. The word "beds" in the act means actual beds used, not capacity.
3. Under assumption # 2 above, the Warm Springs and Galen facilities of Department of Corrections and Human Services would meet the requirements of the act now.
4. MVH will have an Average Daily Population (ADP), of approximately 90 beds and require an additional 6.00 FTE direct care givers at grade 7 entry level under the act.
5. CA will have an ADP of approximately 140 beds and require an additional 17.00 FTE direct care givers at grade 7 entry level under the act.
6. Current law represents the Executive recommended current level in the CA and MVH.
7. The "daytime", "evening", and "nighttime" in the bill would be compatible with shifts now worked at the institutions.
8. Federal funding at the MVH is fixed on a per client basis and would not be increased to fund additional staff.

Department of Health and Environmental Sciences

9. A mandatory staffing pattern defined in state statute would be implemented and regulated under the Licensure Bureau of DHES.
10. Such a regulatory effort conducted at the state level with state inspectors acting under state statute would require additional agency personnel to cover 101 nursing homes offering skilled nursing care in the state to enforce the proposed law.
11. The proposed law does not address remedial action. The Licensure Bureau assumes much effort would be devoted to addressing and resolving complaints in addition to regular survey (inspection) activities.
12. The proposed law would require the Licensure Bureau to assume survey activities, monitoring of staffing patterns, and response activities to complaints. Personnel services to accommodate the additional functions would require one health care facility surveyor (grade 14) and an administrative technician (grade 11). Operating expenses are estimated to be \$48,000 each year.
13. Current level represents the Executive budget recommendation for the Health Facilities Division.
13. If this bill is passed the Department of Health and Environmental Sciences will need a general fund appropriation of \$124,345 for FY94 and \$124,345 in FY95.

(Continued)

 1-29-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

VICKI COCCHIARELLA, PRIMARY SPONSOR DATE

Fiscal Note for HB0316, as introduced

HB 316

FISCAL IMPACT:

Expenditures:

Department of Corrections and Human Services

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	193.26	216.26	23 00	193.26	216.26	23 00
Personal Services	5,630,248	6,060,072	429,824	5,793,280	6,223,104	429,824
Operating Costs	1,622,949	1,622,949	0	1,671,216	1,671,216	0
Equipment	<u>30,602</u>	<u>30,602</u>	<u>0</u>	<u>30,602</u>	<u>30,602</u>	<u>0</u>
Total	7,283,799	7,713,623	429,824	7,495,098	7,924,922	429,824
<u>Funding:</u>						
General Fund	5,221,290	5,634,689	413,399	5,332,278	5,745,677	413,399
State Special	1,067,069	1,083,494	16,425	1,097,918	1,114,343	16,425
Federal Revenue	<u>995,440</u>	<u>995,440</u>	<u>0</u>	<u>1,064,902</u>	<u>1,064,902</u>	<u>0</u>
Total	7,283,799	7,713,623	429,824	7,495,098	7,924,922	429,824

Department of Health and Environmental Sciences

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	47.0	49.00	2.00	47.0	49.00	2.00
Personnel	1,650,413	1,726,758	76,345	1,651,626	1,727,971	76,345
Operating	829,446	877,446	48,000	835,572	883,572	48,000
Equipment	<u>34,568</u>	<u>34,568</u>	<u>0</u>	<u>14,568</u>	<u>14,568</u>	<u>0</u>
Total	2,514,427	2,638,772	124,345	2,501,766	2,626,111	124,345
<u>Funding:</u>						
General Fund	527,192	651,537	124,345	527,820	652,165	124,345
Federal Revenues	<u>1,987,235</u>	<u>1,987,235</u>	<u>0</u>	<u>1,973,946</u>	<u>1,973,946</u>	<u>0</u>
Total	2,514,427	2,638,772	124,345	2,501,766	2,626,111	124,345

General Fund Impact:

537,744

537,744

HB 316

STATE OF MONTANA - FISCAL NOTE

Form BD-15

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ASSUMPTIONS:

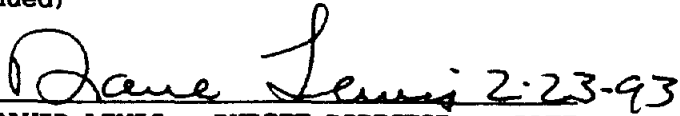
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(Continued)


DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

25-93
VICKI COCCHIARELLA, PRIMARY SPONSOR DATE

Revised Fiscal Note for HB0316, as introduced

Rev. HB 316-#2

ASSUMPTIONS: (Continued)

Department of Social and Rehabilitation Services

- 1. The average wages and benefits for all facilities of licensed staff (DON, RN, LPN) is \$16.65/hour.
- 2. The hourly wages and benefits for all facilities of non-licensed staff (Aids, DCG) is \$8.15.
- 3. Hourly data by shift is from November 1992 staffing report and is annualized.
- 4. Staffing requirements were calculated on the basis of total occupied beds for November, 1992.
- 5. There are 49 nursing facilities with less than 60 beds, 41 nursing facilities that have over 59 and less than 120 beds and 14 nursing facilities with greater than 119 beds in Montana.
- 6. The total medicaid nursing home bed days will be 1,415,702 in FY94 and 1,429,859 in FY95.
- 7. An analysis of costs by facility based on existing staffing patterns resulted in a net increase of \$1.53/bed day.
- 8. The federal participation rate is 71.02% in FY94 and 70.5% in FY95.
- 9. This fiscal note does not account for nurse aid training costs or recruitment costs.

FISCAL IMPACT:

Department of Corrections and Human Services

<u>Expenditures:</u>	<u>FY '94</u>			<u>FY '95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
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(Continued)

HB 316

(continued)

FISCAL IMPACT: (Continued)

Department of Health and Environmental Sciences

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Department of Social and Rehabilitation Services

<u>Expenditures:</u>	<u>FY 94</u>	<u>FY 95</u>
Medicaid Nursing Home cost increase	\$2,166,024	\$2,187,684
<u>Funding:</u>		
General Fund	\$ 627,714	\$ 645,367
Federal Funds	\$1,538,310	\$1,542,317
<u>Total General Fund Impact:</u>	\$1,165,458	\$1,183,111

TECHNICAL NOTE:

The bill does not specify whether staffing patterns are based upon total beds or total occupied beds.

HB 316