

REFERENCE TITLE: **minimum staff ratios; nursing homes**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2387

Introduced by
Representatives Longdon: Dunn

AN ACT

**AMENDING TITLE 36, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-447.03; RELATING TO NURSING CARE INSTITUTIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 4, article 7, Arizona Revised
3 Statutes, is amended by adding section 36-447.03, to read:

4 36-447.03. Direct care staff-to-resident ratios; minimum;
5 definition

6 A. NOTWITHSTANDING ANY OTHER STAFFING REQUIREMENTS ESTABLISHED BY
7 LAW, EACH NURSING CARE INSTITUTION SHALL MAINTAIN ALL OF THE FOLLOWING
8 MINIMUM DIRECT CARE STAFF-TO-RESIDENT RATIOS:

9 1. ONE CERTIFIED NURSE AIDE TO EVERY EIGHT RESIDENTS FOR THE DAY
10 SHIFT.

11 2. ONE DIRECT CARE STAFF MEMBER TO EVERY TEN RESIDENTS FOR THE
12 EVENING SHIFT. AT LEAST ONE-HALF OF ALL DIRECT CARE STAFF MEMBERS MUST BE
13 CERTIFIED NURSE AIDES, SHALL SIGN IN TO WORK AS CERTIFIED NURSE AIDES AND
14 SHALL PERFORM CERTIFIED NURSE AIDE DUTIES.

15 3. ONE DIRECT CARE STAFF MEMBER TO EVERY FOURTEEN RESIDENTS FOR THE
16 NIGHT SHIFT. EACH DIRECT CARE STAFF MEMBER SHALL SIGN IN TO WORK AS A
17 CERTIFIED NURSE AIDE AND PERFORM CERTIFIED NURSE AIDE DUTIES.

18 B. ON ANY EXPANSION OF THE RESIDENT CENSUS BY THE NURSING CARE
19 INSTITUTION, THE NURSING CARE INSTITUTION IS EXEMPT FROM ANY INCREASE IN
20 DIRECT CARE STAFFING RATIOS FOR A PERIOD OF NINE CONSECUTIVE SHIFTS AFTER
21 THE DATE OF THE EXPANSION OF THE RESIDENT CENSUS.

22 C. THE COMPUTATION OF MINIMUM DIRECT CARE STAFFING RATIOS SHALL BE
23 CARRIED TO THE HUNDREDTH PLACE. IF THE APPLICATION OF THE RATIOS LISTED
24 IN SUBSECTION A OF THIS SECTION RESULTS IN OTHER THAN A WHOLE NUMBER OF
25 DIRECT CARE STAFF, INCLUDING CERTIFIED NURSE AIDES, FOR A SHIFT, THE
26 NUMBER OF REQUIRED DIRECT CARE STAFF MEMBERS SHALL BE ROUNDED TO THE NEXT
27 HIGHER WHOLE NUMBER WHEN THE RESULTING RATIO CARRIED TO THE HUNDREDTH
28 PLACE IS AT LEAST FIFTY-ONE HUNDREDTHS. ALL COMPUTATIONS SHALL BE BASED
29 ON THE MIDNIGHT CENSUS FOR THE DAY IN WHICH THE SHIFT BEGINS.

30 D. THIS SECTION DOES NOT AFFECT ANY MINIMUM STAFFING REQUIREMENTS
31 FOR NURSING CARE INSTITUTIONS THAT ARE REQUIRED BY THE DEPARTMENT FOR
32 STAFF OTHER THAN DIRECT CARE STAFF MEMBERS, INCLUDING CERTIFIED NURSE
33 AIDES, OR RESTRICT THE ABILITY OF NURSING CARE INSTITUTIONS TO INCREASE
34 STAFFING LEVELS, AT ANY TIME, BEYOND THE ESTABLISHED MINIMUM.

35 E. THE MINIMUM DIRECT CARE STAFFING RATIOS REQUIRED BY THIS SECTION
36 DO NOT APPLY TO ANY PEDIATRIC LONG-TERM CARE FACILITY LICENSED PURSUANT TO
37 THIS CHAPTER.

38 F. FOR THE PURPOSES OF THIS SECTION, "DIRECT CARE STAFF MEMBER"
39 MEANS ANY REGISTERED NURSE, LICENSED PRACTICAL NURSE OR CERTIFIED NURSE
40 AIDE WHO IS ACTING IN ACCORDANCE WITH THAT INDIVIDUAL'S AUTHORIZED SCOPE
41 OF PRACTICE AND PURSUANT TO DOCUMENTED EMPLOYEE TIME SCHEDULES.