



**House
Legislative
Analysis
Section**

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POST NURSING HOME STAFF RATIOS

**House Bill 4072 (Substitute H-2)
First Analysis (11-27-90)**

**Sponsor: Rep. Teola P. Hunter
Committee: Public Health**

THE APPARENT PROBLEM:

The Public Health Code requires nursing homes to have enough workers to provide at least two and one-quarter hours of nursing care per day per patient on a 24-hour basis. The ratio of patients to nursing staff is not supposed to be more than eight to one in the morning, twelve to one in the afternoon, and fifteen to one in the evening. The code further prohibits members of the nursing staff from providing basic services such as food preparation, housekeeping, laundry, or maintenance, except in emergencies.

Despite these requirements, nursing homes have experienced chronic shortages in staffing. For example, according to a survey by the Health Care Association of Michigan (which represents 240 long term care facilities), temporary nursing services ("nursing pools") accounted for 18 percent of all nursing hours worked in the association's nursing homes and temporary nursing help accounted for 25 percent of the member facilities' nursing personnel costs. Even more seriously, from the consumer's point of view, understaffing of nursing homes can mean inadequate care for the residents of the nursing home. Legislation has been introduced that would begin to address this issue of chronic understaffing of nursing homes.

THE CONTENT OF THE BILL:

The bill would amend the Public Health Code to require nursing homes to post written notice of patient/staff ratios and the hours of nursing care per patient per day, both those required by law and those actually in existence in the nursing home.

Actual ratios would have to be posted quarterly. The notices (which would be on a form provided by the Department of Public Health) would have to be posted in a "conspicuous" location in the nursing home, including, but not only, in the lobby or registration area. If the notices were on separate forms they would have to be posted together.

MCL 333.21720a

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The Public Health Code requires nursing homes to post conspicuously certain information, including its license, its most recent Department of Public Health inspection report, a description of complaint procedures, notice of any pending hearing, and a list of materials available for public inspection. By requiring nursing homes also to post their required and actual patient-to-staff ratios, the bill would enable consumers — potential nursing home residents and their families — to judge

whether or not a nursing home is meeting state requirements for staffing and, if not, how understaffed the home has been in the immediate past. Hopefully, the bill also would serve as an incentive for nursing homes to consistently meet the state minimum staffing requirements, thereby guaranteeing a basic level of care to their residents.

Against:

The chronic understaffing of nursing homes is generally recognized to adversely affect the quality of care that such nursing homes can offer their residents. However, the bill would not mandate increased staffing — at least up to the state minimum levels — and thus would not concretely improve the current situation. What would seem to be needed, if current state mandated staffing levels truly are adequate, is better enforcement of compliance with existing regulations, which of course likely would mean increased state spending for enforcement.

Response: Even though the bill would not force nursing homes to increase their patient-staff ratios or even consistently meet existing state mandated staffing levels, it would provide consumers with invaluable information regarding how well nursing homes actually were staffed and would enable consumers to make informed choices among nursing homes based on staffing levels.

Against:

The bill is unnecessary. The state already requires by rule that nursing homes keep such information and make it available upon request to the public (though nursing homes are not required to post the staffing ratios in their facilities).

Response: Though such information may, technically, already be available to the public, by requiring that it be posted — rather than just kept in documents that would have to be specifically requested each time a consumer desired the information — the bill would provide an incentive for nursing homes to try harder to meet existing requirements for staffing. Homes consistently failing to meet staffing requirements would, in effect, have to admit their failure publicly, for all comers to see — which, presumably, nursing homes would prefer not to do and which they could avoid by better meeting staffing requirements.

SUGGESTED AMENDMENTS:

The Department of Public Health suggests amending the bill to reinsert the word "care" in references to nursing personnel throughout page 2. By striking "care," the language would apply only to licensed nurses (RNs, LPNs, and so forth), and not to nurses aides. Further, the department suggests amending the bill to specify that notices be posted in areas accessible to residents.

POSITIONS:

The Service Employees International Union/Michigan Council 35 supports the bill. (11-27-90)

Citizens for Better Care supports the bill. (11-26-90)

The Department of Public Health supports the bill with its suggested amendments. (11-27-90)

The Michigan Non-Profit Homes Association does not oppose the bill. (11-27-90)