

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2337

"TO AMEND VARIOUS SECTIONS OF TITLE 20, CHAPTER 10, SUBCHAPTER 14 OF THE
ARKANSAS CODE TO CLARIFY THE LAWS RELATING TO NURSING FACILITY
STAFFING REQUIREMENTS."

Amendment No. 1 to House Bill No. 2337.

Amend House Bill No. 2337 as originally introduced:

Page 1, delete lines 29 and 30 and substitute the following: "certified nursing staff nurse aide, student nurse, certified or licensed therapist or therapy assistant, or nurse aide trainee as permitted by federal"

AND

Page 2, delete line 5, and substitute the following:

"(5) "Full time equivalent" means a circumstance that exists when two or more qualified individuals are sequentially assigned to a staff position in such a way as to assure that at least one qualified staff member is present and acting in the staff position at all times during a specified shift;

(6) "Staff position" means a staff requirement imposed under § 20-10-1403;

~~(4)~~(7) "Midnight census" means the number of patients occupying"

AND

Page 2, line 7, delete "~~(5)~~(6)" and substitute "~~(5)~~(8)"

AND

Page 2, line 9, delete "~~(6)~~(A)~~(7)~~(A)" and substitute "~~(6)~~(A)~~(9)~~(A)"

AND

Page 2, delete lines 17 and 18 and substitute the following: "homes, residential care facilities, assisted living facilities, intermediate care facilities for the mentally retarded, post-acute head injury retraining and residential care facilities, hospitals, institutions operated by the federal



government”

AND

Page 3, delete line 3 through 19 and substitute the following:

“(c) If a facility ~~varies shift hours from the shift hours listed in § 20-10-1401~~ implements flex time, the facility shall meet the staffing requirements ~~for the shift listed~~ established in § 20-10-1403.

(d) For staffing compliance, a full time equivalent has the same effect as having a direct care staff member present for the entirety of a shift.

(e) If the facility intends to adopt a flex time staffing plan, the facility shall notify the Office of Long Term Care in writing of its intent at least thirty (30) calendar days before implementing or altering flex time staffing.

(f) A facility may use, at its option, a combination of flex time staffing and traditional staffing based on day shift, night shift and evening shift.

(g) If a facility implements flex time, the beginning and ending times for the following shifts shall be modified to begin and end by an equal amount of time so as to provide continuous twenty-four (24) hour coverage that maintains the staffing ratios established in § 20-10-1403.”

AND

Page 4, line 3, delete “at least”

AND

Page 4, line 6, delete “at least”

AND

Page 4, line 9, delete “at least”

AND

Page 4, line 14, delete “at least”

AND

Page 4, line 17, delete “at least”

AND

Page 4, line 20, delete “at least”

AND

Page 5, delete line 2 and substitute the following: “functions of a certified staff member; provided that no staff member or full time equivalent may be included in the computation of required staff to resident ratios simultaneously in more than one category.”

AND

Page 7, delete line 2 and substitute the following:

“(e) In determining whether a pattern of failure exists:

(1) Up to twenty-five percent (25%) of the minimum required direct care personnel for a shift may begin the shift up to fifteen (15) minutes after the beginning time of the shift;

(2) In computing the twenty-five percent (25%) in subsection (e)(1), all rounding shall be down to the nearest whole number; and

(3) For a maximum of fifteen (15) shifts in a month, those individuals who meet the provisions of subsection (e)(1) shall not be considered in violation of minimum staffing requirements, and shall not be considered when determining a pattern of failure. Provided:

(i) Thereafter, and beginning with the sixteenth (16th) shift in a month in which staff do not appear at the beginning of the shift, the failure of staff to appear at the beginning time of a shift shall be considered in determining or calculating whether a pattern of failure exists;

(ii) Any shift in which more than twenty-five percent (25%) of the minimum required direct care personnel for a shift begins the shift up to fifteen (15) minutes after the beginning time of the shift shall be considered when determining or calculating a pattern of failure; or,

(iii) Any shift in which one (1) or more of the total number of minimum required direct care staff begins the shift more than fifteen (15) minutes after the beginning time of the shift shall be considered in determining or calculating whether a pattern of failure exists.

~~(e)~~(f) A facility may regain compliance after a pattern of failure by”

AND

Page 7, line 2, delete “(f)(1)” and substitute “~~(f)~~(1)(g)(1)”

The Amendment was read
By: Representative Eason
LDH/MHF - 031820031426
MHF420

Chief Clerk