

Nurse Staffing Requirements in Virginia's Nursing Facilities

Presented to the Joint Commission on Health Care
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Virginia Staffing Requirements

- §32.1-127 of the Code directs the Board [of Health] to promulgate regulations to include...minimum standards for:
 - (ii) the operation, staffing and equipping of nursing facilities..., and
 - (iii) qualifications and training of staff...

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- Provide qualified RN, LPNs, and CNAs 24/7 in sufficient number to meet the assessed nursing care needs of all residents
- Provide an active program of nursing care directed toward assisting all residents to achieve outcomes consistent with their highest level of self-care and independence.

Federal Staffing Requirements

- Sections 1819 and 1919 of Titles XVIII and IX of the Social Security Act (42 USC 1302 and 1395hh) stipulate:
a [nursing facility] must provide 24-hour licensed nursing service sufficient to meet the nursing needs of its residents...
- 42 CFR Part 483, subpart B, subsection 483.30:
The facility shall have sufficient staff to provide nursing and related services to attain or maintain the highest practicable physical, mental, and psychological well-being of each resident as determined by resident assessments an individual plans of care

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Inspection Schedule

- State inspections: biennially, in conjunction with federal inspections
- Federal inspections: Not less often than every 15 months
- Complaint inspections: All complaints are investigated using a tiered approach
 - Immediate jeopardy - high
 - Non-Immediate jeopardy - high
 - Non-Immediate Jeopardy - medium

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Compliance with Staffing Requirements

Compliance is assessed through survey results related to resident care standards, such as:

- Pressure ulcers
- Medication pass problems
- Weight loss
- Falls
- Incontinence
- Treatment/care delayed or not provided as documented
- Lack of staff supervision

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Compliance with Staffing Requirements

Example 1:

- In 2009, a facility received 40 deficiency citations, 12 of the citations were for poor resident care
 - 3 of the 12 indicated substandard quality of care (SQC)
 - Staff at the facility admitted being overwhelmed due to shortage of nurses
- The facility was cited as not in substantial compliance and for substandard quality of care.

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Compliance with Staffing Requirements

Example 2:

In 2010, a facility received 14 deficiency citations, 3 of the citations were for poor resident care.

The facility was cited as not in substantial compliance as the facility failed to assure sufficient staff available for any of its 3 distinct resident care units.

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Compliance with Staffing Requirements

Example 3:

Frequently, complaints from family members and residents are filed alleging a facility is short staffed.

However, upon investigation the surveyors are unable to confirm any evidence to directly tie the issues to lack of staffing

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Corrective Actions

- Both state and federal law permit the imposition of sanctions related to regulatory noncompliance.
- Sanctions range from:
 - Denial of payment for new admissions
 - Imposition of civil money penalties or
 - Revoke or suspend the facility's license
- Additionally, the Centers for Medicare and Medicaid (CMS) has developed consumer web-based systems for comparing nursing facilities

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Consumer Tools for Quality

There are several tools consumers can use when deciding on a facility:

- Nursing Home Compare
- The 5-Star Quality Rating System
- Facility daily staffing data, which the facility must prominently post at the beginning of each shift
- In addition, OLC is working to get current survey results posted on its web site.

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