

HB 789 -- LONG-TERM CARE FACILITIES

SPONSOR: Collins

This bill modifies several provisions relating to long-term care facilities, with penalty provisions.

Currently, a certificate of need is not required for the transfer of ownership of an existing or operational health facility in its entirety. This bill requires a certificate of need for transfers of ownership for any assisted living facility, intermediate care facility, residential care facility, or skilled nursing facility.

The bill adds a requirement that all facility owners, facility trustees, and companies providing certain supportive services be disclosed to the Department of Health and Senior Services in order for a license to be issued.

This bill requires assisted living facilities to have sufficient nursing staffing with the appropriate competencies and skills to provide such services, with certain stipulations for registered nurses and other nursing personnel, as specified in the bill.

Additionally, assisted living facilities are required to electronically submit to the Centers for Medicare and Medicaid Services (CMS) direct care staffing information based on payroll and other verifiable data. Determinations of compliance with hours per resident day are based on the most recent available quarter of Payroll-Based Journal System data maintained by CMS.

The bill allows assisted living facilities to be exempted from the minimum staffing requirements established by the provisions of this bill if a verifiable hardship exists that prohibits the facility from achieving such compliance, demonstrated by:

- (1) The facility's location;
- (2) The facility's inability to recruit and retain appropriate personnel; and
- (3) The amount of financial resources that the facility expends on nurse staffing relative to revenue.

The bill additionally establishes that a facility will not be eligible for a hardship waiver if the facility:

- (1) Has been cited for having widespread insufficient staffing with resultant residential harm, for a pattern of insufficient

staffing, or is identified at the most severe jeopardy level of staffing; or

(2) Has failed to submit relevant data to CMS.

The bill provides that for a facility to appropriately manage required nursing staff, the facility must designate a registered professional nurse as the director of nursing on a full-time basis and designate a registered professional nurse to serve as a charge nurse for each nursing shift.

This bill is similar to HB 2740 (2024).