

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**HOUSE BILL 710**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Kandy Cordova**

**AN ACT**

**RELATING TO HEALTH; CREATING THE ACUITY-BASED STAFFING ACT;  
PROVIDING FOR MINIMUM STAFFING REQUIREMENTS IN NURSING HOMES  
AND INTERMEDIATE CARE FACILITIES.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. SHORT TITLE. --This act may be cited as the  
"Acuity-Based Staffing Act".**

**Section 2. DEFINITIONS. --As used in the Acuity-Based  
Staffing Act:**

**A. "acuity-based staffing" means sufficient  
numbers of direct care personnel working on each staff shift  
to meet all care needs, including function, health and  
behavior, of all residents of a nursing facility;**

**B. "direct care personnel" means registered  
nurses, licensed practical nurses and certified nursing**

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 assistants, as defined in Section 61-3-3 NMSA 1978 and by  
2 federal regulations, assigned to direct patient care but  
3 excluding registered nurses and licensed practical nurses  
4 whose duties include administrative responsibilities; and

5 C. "nursing facility" means a facility licensed as  
6 a nursing home or intermediate care facility pursuant to  
7 Section 24-1-5 NMSA 1978.

8 Section 3. ACUITY-BASED STAFFING REQUIRED. -- By October  
9 1, 2002, the department of health shall establish by rule  
10 requirements for acuity-based staffing for all nursing  
11 facilities. In developing the rules the department shall  
12 consult with the state agency on aging, the human services  
13 department, consumers, providers and advocates on all aspects  
14 of acuity-based staffing. Rules shall include a requirement  
15 for the posting of the number of direct care personnel on duty  
16 on each shift. No license for the operation of a nursing  
17 facility shall be issued or renewed after July 1, 2003 unless  
18 the nursing facility is in compliance with department of  
19 health rules on acuity-based staffing.