

AN ACT

RELATING TO HEALTH; CREATING THE OPTIMAL STAFFING ACT;  
PROVIDING FOR MINIMUM STAFFING REQUIREMENTS IN NURSING HOMES  
AND SKILLED NURSING FACILITIES.

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

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

Section 2. DEFINITIONS. -- As used in the Optimal  
Staffing Act:

A. "direct care personnel" means nurse aides  
providing direct, hands-on patient care necessary to meet  
the daily living needs of function, health and behavior;

B. "nursing facility" means a facility licensed  
as a nursing home or skilled nursing facility pursuant to  
Section 24-1-5 NMSA 1978; or

C. "optimal staffing" means care provided by  
direct care personnel in an amount equal to a minimum of the  
two and nine-tenths hours per patient day necessary to  
attain quality care of all residents of a nursing facility  
or skilled nursing facility.

Section 3. OPTIMAL STAFFING REQUIRED. -- By October 1,  
2001, the department of health shall establish by rule  
requirements for optimal staffing for all nursing  
facilities. In developing the rules the department shall  
ensure that nursing facility care is based on both national

and state experience and federal studies on nursing home staffing needs and shall consult with the state agency on aging, the human services department, consumers, providers and advocates on all aspects of optimal staffing. Rules shall include a requirement for the posting of the name of each direct care personnel on duty on each shift. Optimal staffing rules shall go into effect no later than July 1, 2002. \_\_\_\_\_