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SENATE BILL 503

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

INTRODUCED BY

Michael S. Sanchez

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**

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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.