STATE OF NEW YORK

10515

IN ASSEMBLY

May 31, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hevesi) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing staffing standards for physical therapists, physical therapist assistants, occupational therapists, occupational therapist assistants, and recreational therapists at nursing homes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 2895-b of the public health law is amended by adding three new paragraphs (e), (f) and (g) to read as follows:

(e) "Physical therapist or physical therapist assistant" means any person licensed or certified pursuant to article one hundred thirty-six of the education law.

(f) "Occupational therapist or occupational therapy assistant" means any person licensed or otherwise authorized to practice pursuant to article one hundred fifty-six of the education law.

(g) "Recreational therapist" means any person with a bachelor's degree with certification as a certified therapeutic recreation specialist from the national council for therapeutic recreation certification.

§ 2. Paragraph (h) of subdivision 2 of section 2895-b of the public health law, as added by chapter 156 of the laws of 2021, is amended to read as follows:

(h) The minimum staffing standard includes the hours which are required to be reported by a nursing home to the federal Centers for Medicare and Medicaid Services through the payroll based journal for long-term care for certified nursing assistants [~~and~~]**,** licensed nurses**, physical therapists, physical therapist assistants, occupational therapists, occupational therapist assistants, and recreational therapists**. In determining compliance with the staffing standards under this subdivision, an individual shall not be counted while performing administrative services as defined in the payroll based journal for long-term care facilities.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD15879-01-2

§ 3. Paragraphs (a) and (b) of subdivision 3 and paragraph (a) of subdivision 4 of section 2895-b of the public health law, as added by chapter 156 of the laws of 2021, are amended to read as follows:

(a) Beginning January first, two thousand twenty-two every nursing home shall maintain daily average staffing hours equal to 3.5 hours of care per resident per day by a certified nurse aide, a licensed nurse [~~or~~], a nurse aide**, a physical therapist, a physical therapist assistant, an occupational therapist, an occupational therapy assistant or a recreational therapist**; provided that out of such 3.5 hours, no less than 2.2 hours of care per resident per day shall be provided by a certified nurse aide [~~or~~], a nurse aide, **a physical therapist assistant, an occupational therapy assistant or recreational therapist,** and no less than 1.1 hours of care per resident per day shall be provided by a licensed nurse**, a physical therapist, occupational therapist or recreational therapist**.

(b) Beginning January first, two thousand twenty-three and thereafter every nursing home shall maintain daily average staffing hours equal to 3.5 hours of care per resident per day by a certified nurse aide [~~or~~], a licensed nurse**, a physical therapist, a physical therapist assistant, an occupational therapist, an occupational therapist assistant and a recreational therapist**; provided that out of such 3.5 hours, no less than 2.2 hours of care per resident per day shall be provided by a certified nurse aide, **a physical therapist assistant, an occupational therapy assistant or recreational therapist,** and no less than 1.1 hours of care per resident per day shall be provided by a licensed nurse**, a physical therapist, a physical therapist assistant, an occupational therapist, an occupational therapy assistant or a recreational therapist**.

(a) A nursing home shall post information regarding nurse staffing that the facility is required to make available to the public under section twenty-eight hundred five-t of this chapter. **Such posting shall also include therapist staffing levels as set forth in this section.** Information under this paragraph shall be displayed in a form approved by the department and be posted in a manner which is visible and accessible to residents, their families and the staff, as required by the commissioner.

§ 4. This act shall take effect immediately.