

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

CONSUMER FACTSHEET: STANDARDS FOR CARE STAFF

There are many standards which nursing homes are required to follow in order to ensure that residents receive appropriate care, have a good quality of life and are treated with dignity. The purpose of these factsheets is to provide relevant language from the standards and information that **YOU** can use to support your resident-centered advocacy.

Following are some of the federal requirements for nursing home care staff, followed by considerations for resident-centered advocacy. [Notes: The brackets provide the relevant federal regulation (CFR) and F-tag (category of deficiency). Emphases added.]

I. Nursing Services [42 CFR 483.35 F725]

The facility must have sufficient nursing staff with the appropriate competencies and skills sets to provide nursing and related services to assure resident safety and attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care and considering the number, acuity and diagnoses of the facility's resident population....

II. Sufficient Staff [42 CFR 483.35(a) F725]

The facility must provide services by sufficient numbers of each of the following types of personnel on a 24-hour basis to provide nursing care to all residents in accordance with resident care plans:

- *...licensed nurses;* and*
- *Other nursing personnel, including but not limited to nurse aides.*
- *[T]he facility must designate a licensed nurse to serve as a charge nurse on each tour of duty.**
- *The facility must ensure that licensed nurses have the specific competencies and skill sets necessary to care for residents' needs, as identified through resident assessments, and described in the plan of care.*
- *Providing care includes but is not limited to assessing, evaluating, planning and implementing resident care plans and responding to resident's needs.*

III. Proficiency of Nurse Aides [42 CFR 483.35(c) F726]

The facility must ensure that nurse aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs, as identified through resident assessments, and described in the plan of care.

Example of a high-level (Immediate Jeopardy) violation: A resident sustained a serious injury that required hospitalization and surgery resulting from a fall from a mechanical lift due to an unsafe transfer by one staff member. When interviewed, this staff member stated that she was not familiar with how to use the mechanical lift. The facility failed to ensure the staff was competent to operate the equipment.

*Requirement may be waived by state under specific, limited conditions.

IV. Requirement for Facility Hiring and Use of Nurse Aides [42 CFR 483.35(d) F-728]

A facility must not use any individual working in the facility as a nurse aide for more than 4 months, on a full-time basis, unless--

- *That individual is competent to provide nursing and nursing related services; and*
- *That individual has completed a training and competency evaluation program, or a competency evaluation program approved by the State...; or*
- *That individual has been deemed or determined competent as provided in...[federal regulation].*

A facility must not use on a temporary, per diem, leased, or any basis other than a permanent employee any individual who does not meet the... [above] requirements...

Regular In-Service Education -- The facility must complete a performance review of every nurse aide at least once every 12 months, and must provide regular in-service education based on the outcome of these reviews.

SUFFICIENT & PROFICIENT STAFF: CONSIDERATIONS

- Is there adequate staff to meet direct care needs, assessments, planning, evaluation, supervision?
- Do workloads for direct care staff appear reasonable?
- Are staff responsive to residents' needs for assistance, and call bells answered promptly?
- Do residents call out repeatedly for assistance?
- Are residents, who are unable to call for help, checked frequently (e.g., each half hour) for safety, comfort, positioning, and to offer fluids and provision of care?
- Are identified care problems associated with a specific unit or shift?
- What does the charge nurse do to correct problems in nurse staff performance?
- How does the facility assure that each resident receives nursing care in accordance with his/her plan of care on weekends, nights and holidays?
- How does the sufficiency (numbers and categories) of nursing staff contribute to identified quality of care, resident rights, quality of life, or facility practices problems?
- **Do residents, family, and ombudsmen report insufficient staff to meet resident needs?**

SOURCES

- WWW.NURSINGHOME411.ORG. LTCCC's website includes materials on the relevant standards for nursing home care, training materials and other resources.
- WWW.THECONSUMERVOICE.ORG. The Consumer Voice has numerous materials and resources for residents, family members and LTC Ombudsmen.