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Title 28@ HEALTH AND SAFETY

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Part IV@ Health Facilities

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Subpart C@ Long-Term Care Facilities

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Chapter 211@ PROGRAM STANDARDS FOR LONG-TERM CARE NURSING FACILITIES

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Section 211.12@ Nursing services

## **211.12 Nursing services**

### **(a)**

[Reserved].

### **(b)**

There shall be a full-time director of nursing services who shall be a qualified licensed registered nurse.

### **(c)**

The director of nursing services shall have, in writing, administrative authority, responsibility and accountability for the functions and activities of the nursing services personnel and shall serve only one facility in this capacity.

### **(d)**

The director of nursing services shall be responsible for: (1) Standards of accepted nursing practice. (2) Nursing policy and procedure manuals. (3) Methods for coordination of nursing services with other resident services. (4) Recommendations for the number and levels of nursing services personnel to be employed. (5) General supervision, guidance and assistance for a resident in implementing the resident's personal health program to assure that preventive measures, treatments, medications, diet and other health services prescribed are properly carried out and recorded.

#### **(1)**

Standards of accepted nursing practice.

**(2)**

Nursing policy and procedure manuals.

**(3)**

Methods for coordination of nursing services with other resident services.

**(4)**

Recommendations for the number and levels of nursing services personnel to be employed.

**(5)**

General supervision, guidance and assistance for a resident in implementing the resident's personal health program to assure that preventive measures, treatments, medications, diet and other health services prescribed are properly carried out and recorded.

**(e)**

The facility shall designate a charge nurse who is responsible for overseeing total nursing activities within the facility on each tour of duty each day of the week.

**(f)**

[Reserved].

**(f.1)**

In addition to the director of nursing services, a facility shall provide all of the following: (1) Nursing services personnel on each resident floor. (2) Effective July 1, 2023, a minimum of 1 nurse aide per 12 residents during the day, 1 nurse aide per 12 residents during the evening, and 1 nurse aide per 20 residents overnight. (3) Effective July 1, 2024, a minimum of 1 nurse aide per 10 residents during the day, 1 nurse aide per 11 residents during the evening, and 1 nurse aide per 15 residents overnight. (4) Effective July 1, 2023, a minimum of 1 LPN per 25 residents during the day, 1 LPN per 30 residents during the evening, and 1 LPN

per 40 residents overnight. (5) Effective July 1, 2023, a minimum of 1 RN per 250 residents during all shifts.

**(1)**

Nursing services personnel on each resident floor.

**(2)**

Effective July 1, 2023, a minimum of 1 nurse aide per 12 residents during the day, 1 nurse aide per 12 residents during the evening, and 1 nurse aide per 20 residents overnight.

**(3)**

Effective July 1, 2024, a minimum of 1 nurse aide per 10 residents during the day, 1 nurse aide per 11 residents during the evening, and 1 nurse aide per 15 residents overnight.

**(4)**

Effective July 1, 2023, a minimum of 1 LPN per 25 residents during the day, 1 LPN per 30 residents during the evening, and 1 LPN per 40 residents overnight.

**(5)**

Effective July 1, 2023, a minimum of 1 RN per 250 residents during all shifts.

**(f.2)**

To meet the requirements of subsections (f.1)(2) through (5): (1) A facility may substitute an LPN or RN for a nurse aide but may not substitute a nurse aide for an LPN or RN. (2) A facility may substitute an RN for an LPN. (3) (i) A facility may not substitute an LPN for an RN except as provided under subparagraph (ii). (ii) A facility with a census of 59 or under may substitute an LPN for an RN on the overnight shift only if an RN is on call and located within a 30-minute drive of the facility.

**(1)**

A facility may substitute an LPN or RN for a nurse aide but may not substitute a nurse aide for an LPN or RN.

**(2)**

A facility may substitute an RN for an LPN.

**(3)**

(i) A facility may not substitute an LPN for an RN except as provided under subparagraph (ii). (ii) A facility with a census of 59 or under may substitute an LPN for an RN on the overnight shift only if an RN is on call and located within a 30-minute drive of the facility.

**(i)**

A facility may not substitute an LPN for an RN except as provided under subparagraph (ii).

**(ii)**

A facility with a census of 59 or under may substitute an LPN for an RN on the overnight shift only if an RN is on call and located within a 30-minute drive of the facility.

**(g)**

[Reserved].

**(h)**

[Reserved].

**(i)**

A minimum number of general nursing care hours shall be provided for each 24-hour period as follows:(1) Effective July 1, 2023, the total number of hours of general nursing care provided in each 24-hour period shall, when totaled for the entire facility, be a minimum of 2.87 hours of direct resident care for each resident. (2) Effective July 1, 2024, the total number of hours of general nursing care provided in each 24-hour period shall, when totaled for the entire facility, be a minimum of 3.2 hours of direct resident care for each resident. (i.1) Only direct

resident care provided by nursing services personnel may be counted towards the total number of hours of general nursing care required under subsection (i).

**(1)**

Effective July 1, 2023, the total number of hours of general nursing care provided in each 24-hour period shall, when totaled for the entire facility, be a minimum of 2.87 hours of direct resident care for each resident.

**(2)**

Effective July 1, 2024, the total number of hours of general nursing care provided in each 24-hour period shall, when totaled for the entire facility, be a minimum of 3.2 hours of direct resident care for each resident. (i.1) Only direct resident care provided by nursing services personnel may be counted towards the total number of hours of general nursing care required under subsection (i).

**(j)**

[Reserved].

**(k)**

[Reserved].

**(l)**

[Reserved].