

2024 -- S 2621

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO HEALTH AND SAFETY -- NURSING HOME WORKFORCE STANDARDS
BOARD ACT

Introduced By: Senators Valverde, Euer, DiPalma, Bissailon, Lawson, Pearson, Miller,
Lauria, Gu, and Murray

Date Introduced: March 01, 2024

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings. The general assembly hereby finds and declares that:

2 (1) The quality of care in nursing homes is integral to the well-being and dignity of
3 residents.

4 (2) A direct correlation exists between the quality of the workforce and the quality of care
5 provided in nursing homes.

6 (3) Empirical data and concrete evidence are vital for setting equitable and effective
7 standards within nursing homes.

8 (4) Consistent operational standards are necessary to foster a fair and competitive
9 environment in the nursing home sector.

10 (5) Addressing wage disparities in the nursing home sector is crucial for attracting and
11 retaining qualified staff.

12 (6) Promoting cooperative dynamics between nursing home operators and employees is
13 vital for resolving industry-specific challenges and enhancing care quality.

14 (7) The creation of a Nursing Home Workforce Standards Board, composed of diverse
15 healthcare professionals, is essential for establishing and enforcing industry-wide standards and
16 ensuring informed and expert-driven regulation.

17 SECTION 2. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
18 amended by adding thereto the following chapter:

1 CHAPTER 17.29

2 NURSING HOME WORKFORCE STANDARDS BOARD ACT

3 **23-17.29-1. Rhode Island nursing home workforce standards board created –**
4 **appointment of members.**

5 There is hereby established the Rhode Island nursing home workforce standards board,
6 hereinafter referred to as the "board" that shall consist of thirteen (13) members: one of whom shall
7 be the secretary of the Rhode Island executive office of health and human services or designee; one
8 of whom shall be the director of the department of health or designee; one of whom shall be the
9 director of the department of labor and training or designee; one of whom shall be the long-term
10 care state ombudsman or designee; three (3) members representing nursing home employers or
11 their organizations, appointed by the governor with the advice and consent of the senate, for an
12 initial term of two (2) years; three (3) members representing nursing home workers or their
13 organizations, appointed by the governor with the advice and consent of the senate, for an initial
14 term of three (3) years; one member representing a joint labor-management multi-employer
15 nonprofit training fund appointed by the governor with the advice and consent of the senate, for an
16 initial terms of two (2) years; and two (2) members representing community organizations that
17 work with the Medicaid population appointed by the governor with the advice and consent of the
18 senate, for an initial term of three (3) years.

19 (b) Upon the expiration of those initial terms, members shall be appointed for terms of four
20 (4) years and shall hold office until their successors are appointed and have qualified.

21 (c) A vacancy other than by expiration shall be filled in the manner of the original
22 appointment but only for the unexpired portion of the term.

23 **23-17.29-2. Officers of the board – quorum and vote required for action.**

24 The governor shall select from the appointed members a chairperson and vice chairperson.
25 The board shall thereupon select a secretary from among its membership or staff. A quorum shall
26 consist of seven (7) members of the board. A majority vote of those present shall be required for
27 action.

28 **23-17.29-3. Powers and duties of the board.**

29 The board shall have the power and duty to:

30 (1) Monitor market conditions, wages, benefits, and working conditions in the nursing
31 home industry;

32 (2) Set minimum statewide compensation and working standards for nursing home
33 workers, applicable to specific nursing home occupations as necessary;

34 (3) Establish minimum standards for nursing home worker training programs to ensure the

1 nursing home workers are properly trained and aware of their workplace rights; and

2 (4) Ensure compliance by employers with the standards set by the board. The board shall
3 review and modify its standards every two (2) years.

4 **23-17.29-4. Exemptions and special provisions.**

5 (a) Standards set by the board shall serve as minimum benchmarks for nursing home
6 employment. Any conflicting rule by another state agency shall only supersede board standards if
7 it is more protective or beneficial to workers and is adopted after the board's standards.

8 (b) In the event that the board's standards raise operational costs above recent budget
9 forecasts, the board shall evaluate necessary rate increases. New standards shall only take effect
10 following sufficient appropriation and federal approval.

11 (c) The board shall adopt procedures for considering temporary variances and waivers of
12 established standards for individual nursing homes at risk of closure or receivership.

13 (d) In cases where a standard established by the board conflicts with federal or state nursing
14 home certification or licensure regulations, the federal or state regulations shall take precedence.

15 **23-17.29-5. Enforcement.**

16 (a) The department of labor and training shall investigate potential violations of this chapter
17 in a manner consistent with the provisions set forth in § 28-14-9; provided that, penalties ensuing
18 from violations shall be as set forth below in subsection (b) of this section.

19 (b) Violation penalties include back pay and job reinstatement for affected workers.
20 Employers found to have repeatedly or willfully violated this chapter shall pay up to one thousand
21 dollars (\$1,000) per violation per employee, in addition to administrative and legal costs.

22 **23-17.29-6. Civil action by nursing home workers.**

23 (a) Nursing home workers may initiate a civil action in the district court against violations
24 of board standards. Such actions can represent a class of similarly situated workers.

25 (b) Employers found in violation are liable for full back pay and equal amount as liquidated
26 damages to each affected nursing home worker.

27 **23-17.29-7. Training and notice requirements.**

28 (a) Biennial mandatory training on standards established by the board and anti-retaliation
29 protections is required.

30 (b) The board certifies worker organizations to conduct training. These organizations must
31 offer interactive training in multiple languages and provide follow-up materials.

32 (c) Employers are responsible for keeping training records and compensating workers for
33 training time.

34 **23-17.29-8. Board staff and reporting.**

1 (a) The director of labor and training shall employ an executive director and necessary staff
2 for the board. The general assembly shall annually appropriate an amount that it deems necessary
3 for the purpose of paying those salaries and expenses.

4 (b) The board shall submit its initial annual report to the governor, speaker of the house,
5 and president of the senate within one year following the effective date of this chapter. Subsequent
6 reports shall be submitted on an annual basis thereafter, no later than one year from the date of the
7 previous report. Each report shall detail the board's actions, any standards adopted, and progress
8 made toward improving the nursing home workforce environment in Rhode Island.

9 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY -- NURSING HOME WORKFORCE STANDARDS
BOARD ACT

- 1 This act would create the nursing home workforce standards board act to establish and
- 2 enforce industry-wide quality of care standards in nursing homes.
- 3 This act would take effect upon passage.

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