

# Eagle's Law



## DHSS Division of Long Term Care Residents Protection

Presentation Date: January 7, 2014

# Eagle's Law



- Establishes minimum staffing level ratios for nursing staff, per shift, for designated residential health facilities.
- Establishes minimum staffing in the areas of activities, nutrition and dietetics, and social services; staff identification; and establishment of an outcome based monitoring system.

# Facilities included those that provide long term health related care and nursing services

- For individuals who do not need hospital care and treatment and that:
- provide skilled nursing services to persons who require medical or nursing care
- provide nursing services above the level of room and board to those who because of a mental or physical condition, routinely require these services.





# The Law also includes **units** licensed pursuant to 16 Delaware Code, Chapter 11 in facilities

- That provide active treatment and health and rehabilitation services to persons with Intellectual Disabilities or related conditions,
- and on which care is delivered to residents in accordance with medical plans of care.



# Exceptions

- Rest (Residential) Homes,
- Rest (Family Care) Homes,
- Neighborhood Homes and Group Homes for persons with intellectual disabilities
- Group Homes for persons with Mental Illness,
- Group Homes for Persons with AIDS



# Exceptions

- Assisted Living Facilities,
- Intermediate Care Facilities that, as of 3/1/99, were solely private pay, provided they remain exclusively Intermediate Care Facilities.



# Note Eagle's Law

Facilities must follow all other applicable federal and state requirements, including those of the Medicare and Medicaid programs.



# Eagle's Law Requirements

- Licensed Nursing Supervisor all shifts
- F/T DON
- F/T ADON 100 beds or more
- P/T ADON <100 beds
- F/T Activity Director 30 beds or more
- P/T Activity Director <30 beds





# Eagle's Law Requirements

- F/T Food Service Manager
- F/T Social Worker 100 beds or more
- P/T Social Worker <100 beds



# Eagle's Law Requirements

- Staffing level not less than 3.28 hrs per resident per day
- Staffing allocations based on ratio table
- Nursing Station Identification Postings
- Staff Identification Name Tags



# Eagle's Law Requirements

- DON Education and Experience Requirements
- Activity Director Education and Experience Requirements
- Food Service Manager Education and Experience

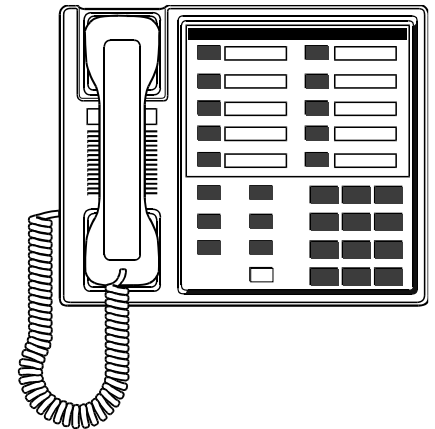
# Staffing Levels

- Facilities must provide a staffing level adequate to meet the care needs of ***each*** resident.
- Minimum staffing levels based on ***three*** shifts (day, evening, and night).



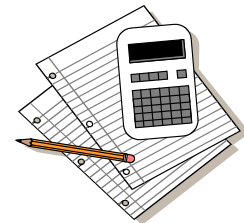
# Staffing

- Alternative to this three shift schedule as a standard schedule shall notify the Division.
- Prior implementation of the alternative shift schedule requires immediate notification.



# Staffing Notification

- Shall include: a copy of the alternative shift schedule, with the hours of each shift indicated; all RN, LPN, CNA, staff clearly shown; and what days it will be in effect, if the alternative schedule is not to be used continuously.
- Clearly posted.





# Extended Continuous Absence

- For any staff positions specified in the Law, a facility must ensure that, in the extended, continuous absence of ***more than eight weeks*** of the staff person normally assigned to that position, the service continues to be provided by personnel qualified under Eagle's law.

# Nursing Staffing

- The minimum staffing level for nursing services ***direct caregivers*** shall not be less than 3.28 hours of direct care per resident per day.







# Direct Caregivers

- Hands on treatment or care (assistance with ADLs)
- Physical and psychosocial assessments
- Documentation of care
- Care Planning
- Communications regarding a resident



# Direct caregivers in Exigent Circumstances

- The Director of Nursing (DON),
- Assistant Director of Nursing (ADON),
- Registered Nurse Assessment Coordinator (RNAC)



# Exigent Circumstances

- Administrative duties discontinued
- Written notification within 24 hrs to the Division.
- Document on the shift schedule  
Description of the circumstance
- Date, shift, hours, name, title and amount of direct care time staff members were used as direct caregivers.

# Exigent Circumstance



A short- term emergency or a situation that is **URGENT**, requires immediate attention and is unavoidable.



# Nursing Staffing

- For facilities with 15 or fewer beds,
- DON, ADON, and Nursing Supervisor may also serve as nursing services direct caregivers.
- Written documentation including the shift schedule and specifying the date(s) and time(s), that these staff members are/were functioning as nursing services direct caregivers.

# Nursing Staffing

## phase 2 staffing ratio+



Shift	RN/LPN	<b>CNA</b>
		(RN/LPN/NAIT serving as a CNA)
<b>Day</b>	<b>1:15</b>	<b>1:8</b>
<b>Evening</b>	<b>1:23</b>	<b>1:10</b>
<b>Night</b>	<b>1:40</b>	<b>1:20</b>

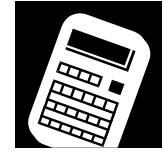
- review period for enforcement is 1 wk starting with first day of the work week



# Shift Schedule

- Clearly indicate the names of the individuals performing the RN/LPN and CNA functions, for each shift.
- If a facility uses RNs, LPNs or NAITs to perform **CNA** functions and to meet the CNA-to-resident ratio, the facility must clearly indicate on the schedule the name(s) of each staff performing the CNA functions, for each shift.

# Calculation




- For purposes of enforcement calculation, the review period for determining compliance under the staffing ratios is a period of one week, starting with the first day of a facility's work week.



# Nursing Staffing -alternative shift ratio

## Phase 1 staffing ratio



<b>Shift</b>	<b>RN/LPN</b>	<b>CNA (RN/LPN/NAIT serving as a CNA)</b>
<b>Day</b>	<b>1:20</b>	<b>1:9</b>
<b>Evening</b>	<b>1:25</b>	<b>1:10</b>
<b>Night</b>	<b>1:40</b>	<b>1:22</b>

**review period for enforcement is daily**



# Calculation for alternative shift ratio

For purposes of enforcement calculation, the review period for determining compliance under the alternative shift staffing ratios is daily



# Nursing Supervisor's Time

- Up to 75% of a Nursing Supervisor's time per shift may be spent providing direct care.



## Licensed Nursing Supervisor on duty and on-site at all times

- No less than 25% of a Nursing Supervisor's time per shift must be spent supervising and evaluating nursing services direct caregivers.

# Director of Nursing

- All residential health facilities must employ a full-time Director of Nursing who is either an Advanced Practice Nurse or a Registered Nurse with one year's work experience as a Registered Nurse.





# Supervisory/Administrative Nursing

- Registered Nurses holding the following positions may provide the supervision required of a Nursing Supervisor, and the supervision may be counted towards the minimum 25% supervision required per shift:
  - DON, ADON
  - RNAC
  - Director of In-Service Education (RN),
  - Quality Improvement Coordinator Nurse (if an RN),
  - NHA (if an RN).



# DON requirements

- any ***newly hired*** Director of Nursing shall be:  
(1) an Advanced Practice Nurse, (2) a Registered Nurse with a Bachelor of Science degree in nursing and two years experience in long-term care, or (3) a Registered Nurse with three years of long-term care experience.



# RN Time exceeds minimum

- For any shift that exceeds the minimum RN/LPN shift ratio mandated by the Law the amount of RN time that exceeds the minimum ratio may be counted towards the minimum **25% supervision** required for that shift, provided, however, that said RN time was dedicated to supervisory functions.





# Nursing Supervisor

- must be an employee of the facility,
- excluding temporary employment agency personnel from serving in this capacity unless exigent circumstances exist and all reasonable alternatives have been exhausted.
- Within 24 hours of the exigent circumstances that require the use of temporary employment agency staffing to fill a Nursing Supervisor position, the facility shall notify the Division, in writing, of the exigent circumstances and the expected duration.



# DON Training after 7/1/01

- All newly hired DONs must complete, within three months of hire (or as soon as a course is available), a long-term care **Director of Nursing workshop.**

# Assistant Director of Nursing facilities with 100 beds or more

- Shall employ, at a minimum, a full-time Assistant Director of Nursing, who is an Advanced Practice Nurse or a Registered Nurse.



# Director of Inservice Education facilities with 100 beds or more

- Shall employ, at a minimum, a full-time equivalent Director of In-service Education, who is an Advanced Practice Nurse or a Registered Nurse.





# ADON

## Facilities with fewer than 100 beds

- Shall employ a part-time ADON, who is an Advanced Practice Nurse or a Registered Nurse, in accordance with the following formula
- $$\frac{\text{\# of Beds} \times 40}{100} = \text{hrs. required per week}$$

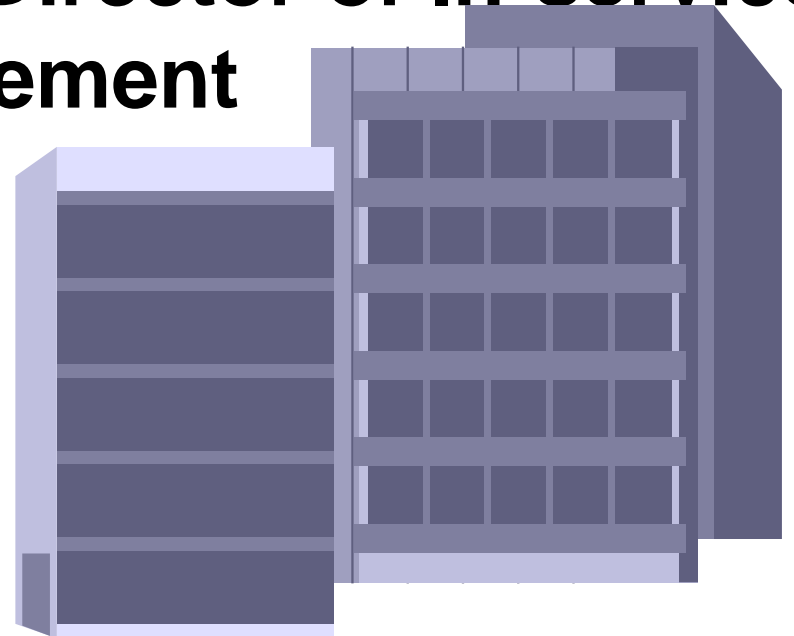


# Director of In-service Education facilities fewer than 100 beds

- The Director of In-service Education staffing requirement would be the following:
- # beds X 40 = hours required per week.  
100  
APN or RN

# Subacute Transitional Care Units

- **part of acute care hospitals**
- **30 or fewer beds are exempt**
- **from ADON and Director of In-service Education requirement**



# Activities Staffing

## Facilities with 30 beds or more

- All residential health facilities licensed for 30 beds or more must have a full-time Activities Director.







# Activity Director Requirements

certified therapeutic recreational activity specialist,  
COTA or OTR  
certified music therapist,  
certified art therapist,  
certified drama therapist,  
certified dance/movement therapist,  
activities director certified.

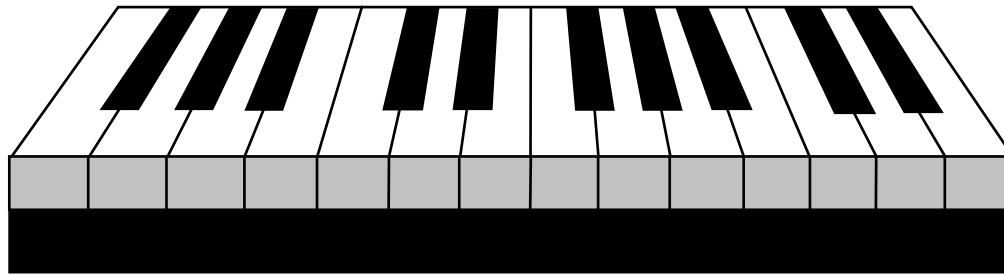
# Activities Staffing

## Facilities with fewer than 30 beds

- .at a minimum, a part-time Activities Director in accordance with the following formula:

– Number of Beds X 40 = hours required per week.

100



# Subacute Transitional Care Unit

- That is part of an acute care hospital and that has 30 or fewer beds is exempt from the requirement to provide an Activities Director, provided that other licensed personnel perform the duties of this position.





# Nutrition and Dietetics Staffing

- Every residential health facility at all times must provide nutrition and dietetic staffing adequate to meet the needs of each resident.
- The nutrition and dietetic staffing must include, at a minimum, a full-time Food Service Manager.



# Food Service Manager hired after 7/1/01

- Any Food Service Manager must be a Registered Dietitian or a Certified Dietitian/Nutritionist, a Registered Dietetic Technician, a Certified Dietary Manager, or must have a Bachelor of Science or Associate's Degree in Food Service Management or related field.



# Exceptions

- A full time Food Service Manager with a minimum of three years experience as a full-time Food Service Manager as of 7/1/01 shall be exempt from the requirements.

# Subacute Transitional Care Unit

- that is part of an acute care hospital and that has 30 or fewer beds is exempt from the requirement to provide a full-time Food Service Manager, provided that other licensed personnel perform the duties of this position.





# Social Service Staffing

- All residential health facilities with 100 or more beds shall employ a full-time Social Worker.
- Facilities with fewer than 100 beds may designate other personnel to assume the duties associated with the Social Worker position, in accordance with regulations promulgated by the Department.





# Social Worker

- “For facilities subject to 16 Delaware Code, section 1165, with at least 100 beds, an individual with a bachelor’s degree in social work, or a bachelor’s degree in a human services field including, but not limited to, sociology, special education, rehabilitation counseling, and psychology; **and** one year of supervised social work experience in a health care setting working directly with individuals.
- For facilities with fewer than 100 beds, the facility may designate the director of admissions or a nurse to assume the duties of the social worker.”



# Social Worker Position Fewer Than 100 Beds

- knowledge of the principles, practices, and techniques of human services work;
- knowledge of the methods and techniques of interviewing, including for confidential/sensitive information
- demonstrate knowledge of community resources
- experience in record keeping and report writing
- ability to communicate effectively, both orally and in writing.

# Staff Identification

- Every residential health facility shall post the names and titles of all nursing services direct caregivers and the Nursing Supervisor on duty
- for each shift
- for each floor, unit, or wing.





# Posting of Names and Titles

- Conspicuously displayed (easily recognizable, legible, and having a size of, or equivalent to, at least a 14-point font) in all common areas of the facility.
- Common areas are defined as those areas used most frequently by residents, their families, and staff of the facility, such as the resident lounges, resident dining area(s), and/or near the nursing stations.



# Postings

The postings shall be displayed in no fewer number than the number of nursing stations in the facility.



# Every Facility Employee shall wear a Name Tag

- is prominently displayed, easily viewed, and legible;
- gives the employee's first and last names in a size of, or equivalent to, at least a 14-point font; and
- gives the employee's title.



# Temporary Agencies Required to Wear Photo ID

- is prominently displayed, easily viewed, and legible;
- gives the employee's first and last names in a size of, or equivalent to, at least a 14-point font; and
- gives the employee's title.