**A** **JOINT RESOLUTION**

TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2011‑2012 TO TEMPORARILY SUSPEND ENFORCEMENT OF CERTAIN PROVISIONS OF THE MEDICAID NURSING HOME PERMIT LAW AND TO SET CERTAIN NURSING HOME STAFFING STANDARDS IN ORDER TO MEET APPROPRIATIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A) In order to meet appropriations for Medicaid nursing home service for Fiscal Year 2011‑12, the Department of Health and Environmental Control shall not enforce the following provisions of the Medicaid Nursing Home Permit Law as required by Sections 44‑7‑84 and 44‑7‑90 of the 1976 Code:

(1) The department must not penalize or fine a nursing home facility, as defined by Section 44‑7‑80 of the 1976 Code, which has provided fewer Medicaid patient days than allowable under the Medicaid Permit Program.

(2) The department must not transfer or add additional Medicaid patient days to any individual facility.

(3) If the Department of Health and Human Services decreases the number of Medicaid patient days available to the Department of Health and Environmental Control, the Department of Health and Environmental Control shall proportionately decrease the authorized Medicaid patient days for each nursing home. If additional Medicaid patient days are authorized, they must be restored proportionately to each nursing home.

(4) After June 30, 2011, a nursing home that exceeds by more than five percent the number of Medicaid patient days stated in its permit must be fined based on the number of Medicaid patient days exceeding the permit days multiplied by its daily Medicaid per diem multiplied by thirty percent.

SECTION 2. (A) For Fiscal Year 2011‑12, a nursing home shall:

(1) provide a minimum of one and sixty three hundredths (1.63) hours of direct care per resident per day from the non‑licensed nursing staff; and

(2) maintain at least one licensed nurse per shift for each staff work area.

(B) All other staffing standards and non‑staffing standards established in Standards for Licensing Nursing Homes: 24A S.C. Code Ann. Regs. 61‑17 (Supp. 2008) must be enforced.

(C) The Department of Health and Environmental Control shall regularly report to the General Assembly changes in nursing home performance and to the public on the Medicare Nursing Home Compare website.

SECTION 3. This joint resolution takes effect upon approval by the Governor and applies to Fiscal Year 2011‑2012 only.

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