

HOUSE BILL 1006

J3, J1

9lr1040

By: **Delegates Acevero, Pena–Melnyk, Bhandari, Bridges, Charles, Conaway, W. Fisher, Hill, Ivey, Lehman, R. Lewis, Moon, Mosby, Proctor, Smith, Stewart, Valentino–Smith, and Wilkins**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Mental Health Facilities – Staffing Committee and Plan**

3 FOR the purpose of requiring each State mental health facility to establish a certain
4 staffing committee to create a certain staffing plan for the State facility; providing
5 for the membership of a staffing committee; providing for the contents of a staffing
6 plan; prohibiting a certain nurse–to–patient ratio from counting certain nurses
7 toward the ratio; requiring a staffing committee to convene on or before a certain
8 date and at certain intervals for certain purposes; requiring each State facility to
9 submit a certain staffing plan to the Maryland Department of Health on or before
10 certain dates; requiring a State facility to submit a revised staffing plan to the
11 Department within a certain time period under certain circumstances; requiring
12 each State facility to keep a certain daily record; providing for the contents of a
13 certain record; requiring a State facility to provide to certain individuals, on request
14 and to the extent allowed by law, certain information under certain conditions;
15 requiring each State facility to implement a certain staffing plan or any changes to
16 a staffing plan within a certain period of time under certain circumstances; defining
17 certain terms; and generally relating to staffing committees and staffing plans for
18 State mental health facilities.

19 BY adding to

20 Article – Health – General

21 Section 10–402

22 Annotated Code of Maryland

23 (2015 Replacement Volume and 2018 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **10-402.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "EXCLUSIVE REPRESENTATIVE" HAS THE MEANING STATED IN §
5 3-101(E) OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

6 (3) "NURSE-TO-PATIENT RATIO" MEANS THE NUMBER OF PATIENTS
7 FOR WHOM A NURSE IS PROVIDING CARE AT ONE TIME.

8 (B) (1) EACH STATE FACILITY SHALL ESTABLISH A STAFFING
9 COMMITTEE TO CREATE A STAFFING PLAN FOR THE FACILITY.

10 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE
11 STAFFING COMMITTEE SHALL INCLUDE:

12 (I) AT LEAST THREE NURSES, INCLUDING ONE REGISTERED
13 NURSE, CHOSEN BY THE NURSES EMPLOYED AT THE FACILITY; AND

14 (II) AT LEAST THREE REPRESENTATIVES OF MANAGEMENT
15 STAFF, CHOSEN BY THE ADMINISTRATIVE HEAD OF THE FACILITY.

16 (3) THE STAFFING COMMITTEE ESTABLISHED UNDER THIS
17 SUBSECTION SHALL CONSIST OF AN EQUAL NUMBER OF NURSES AND
18 REPRESENTATIVES OF MANAGEMENT STAFF.

19 (C) (1) THE STAFFING PLAN SHALL:

20 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
21 INCLUDE A MINIMUM NURSE-TO-PATIENT RATIO FOR THE FACILITY;

22 (II) ENSURE THAT, AT A MINIMUM, THE FOLLOWING STAFF ARE
23 AVAILABLE AT ALL TIMES:

24 1. THE NURSE ASSIGNED TO EACH PATIENT;

25 2. ONE NURSE ASSIGNED ONLY TO ADMINISTRATIVE
26 TASKS; AND

27 3. TWO NURSES ASSIGNED ONLY TO ADMINISTERING
28 MEDICATION OR OTHER TREATMENTS; AND

1 (III) ENSURE THAT A NURSE IS AVAILABLE TO ASSUME THE
2 ASSIGNMENTS OF ANOTHER NURSE AT THE FACILITY DURING THE TIME WHEN THE
3 NURSE TAKES A BREAK DURING THE SHIFT.

4 (2) THE NURSE-TO-PATIENT RATIO INCLUDED IN THE STAFFING
5 PLAN UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT COUNT TOWARD THE
6 RATIO A NURSE WHO IS:

7 (I) STILL IN TRAINING;

8 (II) IN ORIENTATION AT A NEW UNIT IN THE FACILITY; OR

9 (III) ASSIGNED ONLY TO ADMINISTRATIVE TASKS.

10 (D) (1) THE STAFFING COMMITTEE ESTABLISHED UNDER SUBSECTION
11 (B) OF THIS SECTION SHALL CONVENE:

12 (I) ON OR BEFORE NOVEMBER 30, 2019, TO ESTABLISH THE
13 FIRST STAFFING PLAN FOR THE STATE FACILITY; AND

14 (II) AT LEAST ONCE DURING EACH 3-MONTH PERIOD AFTER
15 NOVEMBER 30, 2019, TO CONSIDER MAKING CHANGES TO THE STAFFING PLAN.

16 (2) ON OR BEFORE DECEMBER 31, 2019, AND EACH DECEMBER 31
17 AND JUNE 30 THEREAFTER, EACH STATE FACILITY SHALL SUBMIT TO THE
18 DEPARTMENT A COPY OF THE STAFFING PLAN THAT WILL BE IMPLEMENTED BY THE
19 STATE FACILITY FOR THE IMMEDIATELY FOLLOWING 6-MONTH PERIOD.

20 (3) IF THE STAFFING COMMITTEE AGREES TO MAKE CHANGES TO THE
21 STAFFING PLAN AT ANY MEETING, THE STATE FACILITY SHALL SUBMIT THE REVISED
22 STAFFING PLAN TO THE DEPARTMENT WITHIN 30 DAYS AFTER AGREEING ON THE
23 CHANGES.

24 (E) EACH STATE FACILITY SHALL IMPLEMENT THE STAFFING PLAN AND
25 ANY CHANGES TO THE STAFFING PLAN WITHIN 3 MONTHS AFTER:

26 (1) THE DATE OF THE PLAN; OR

27 (2) THE DATE ON WHICH CHANGES TO THE PLAN ARE SUBMITTED TO
28 THE DEPARTMENT.

29 (F) EACH STATE FACILITY SHALL KEEP A DAILY RECORD OF:

- 1 **(1) THE NUMBER OF NURSES ON STAFF;**
2 **(2) THE NUMBER OF NURSES ASSIGNED TO:**
3 **(I) CARE FOR PATIENTS;**
4 **(II) PERFORM ADMINISTRATIVE TASKS;**
5 **(III) ADMINISTER MEDICINE OR OTHER TREATMENTS; AND**
6 **(IV) PERFORM ANY OTHER TASKS AT THE FACILITY;**
7 **(3) THE TOTAL NUMBER OF HOURS EACH NURSE WAS ASSIGNED TO**
8 **EACH TASK; AND**
9 **(4) THE NUMBER OF PATIENTS AT THE FACILITY.**

10 **(G) ON REQUEST AND TO THE EXTENT ALLOWED BY LAW, A STATE FACILITY**
11 **SHALL PROVIDE THE FOLLOWING FACILITY INFORMATION TO ITS EMPLOYEES, THE**
12 **EXCLUSIVE REPRESENTATIVE FOR NURSES EMPLOYED AT STATE FACILITIES, OR**
13 **FAMILY MEMBERS OF PATIENTS AT THE FACILITY:**

- 14 **(1) THE TOTAL NUMBER OF EMPLOYEES;**
15 **(2) THE NUMBER OF EMPLOYEES BY POSITION CLASSIFICATION;**
16 **(3) THE NUMBER OF FULL-TIME AND PART-TIME EMPLOYEES;**
17 **(4) STAFF SCHEDULES;**
18 **(5) MANDATORY OVERTIME SCHEDULES; AND**
19 **(6) THE NUMBER OF PATIENTS AT THE FACILITY FOR THE DAY**
20 **REQUESTED.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2019.