

HOUSE BILL 1194

J1, J3

4lr2175
CF SB 1020

By: **Delegates White Holland, Acevero, Bagnall, Charkoudian, Guzzone, Hill, S. Johnson, R. Lewis, Martinez, McCaskill, Taveras, Turner, and Vogel**

Introduced and read first time: February 8, 2024

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 **Hospitals – Patient’s Bill of Rights Training and Clinical Staffing Committees**
3 **and Plans – ~~Establishment~~**
4 **(Safe Staffing Act of 2024)**

5 FOR the purpose of requiring ~~each hospital~~ certain hospitals licensed in the State to
6 establish and maintain a clinical staffing committee ~~and to implement a clinical~~
7 ~~staffing plan~~; requiring each clinical staffing committee to develop a clinical staffing
8 plan; requiring that an administrator of a hospital, under certain circumstances,
9 provide certain training regarding the patient’s bill of rights by contracting with a
10 third party; requiring the Health Services Cost Review Commission to conduct
11 ~~investigations regarding alleged violations of certain provisions of this Act;~~
12 ~~authorizing the Health Services Cost Review Commission to take certain actions if~~
13 ~~the Commission determines a violation has occurred;~~ and generally relating to
14 hospitals ~~and clinical staffing committees and plans.~~

15 BY adding to

16 Article – Health – General

17 Section ~~19-388 through 19-398~~ to be under the new part “Part XII. Clinical Staffing
18 Committees and Plans” 19-310.4

19 Annotated Code of Maryland

20 (2023 Replacement Volume)

21 BY repealing and reenacting, with amendments,

22 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 19-342(c)(4)
2 Annotated Code of Maryland
3 (2023 Replacement Volume)

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

6 **Article – Health – General**

7 **19-310.4.**

8 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 **(2) “CLINICAL STAFFING COMMITTEE” MEANS A COMMITTEE**
11 **ESTABLISHED BY A HOSPITAL IN ACCORDANCE WITH SUBSECTION (C) OF THIS**
12 **SECTION.**

13 **(3) “CLINICAL STAFFING PLAN” MEANS A PLAN DEVELOPED UNDER**
14 **SUBSECTION (D) OF THIS SECTION.**

15 **(B) THIS SECTION DOES NOT APPLY TO STATE HOSPITALS.**

16 **(C) EACH HOSPITAL LICENSED UNDER THIS TITLE SHALL ESTABLISH AND**
17 **MAINTAIN A CLINICAL STAFFING COMMITTEE THAT HAS EQUAL MEMBERSHIP FROM**
18 **MANAGEMENT AND EMPLOYEES.**

19 **(D) EACH CLINICAL STAFFING COMMITTEE SHALL DEVELOP A CLINICAL**
20 **STAFFING PLAN FOR THE HOSPITAL THAT ESTABLISHES THE APPROPRIATE NUMBER**
21 **OF CLINICIANS NEEDED TO ADMINISTER QUALITY HEALTH CARE BY SETTING.**

22 **(E) (1) WHEN DEVELOPING A CLINICAL STAFFING PLAN, THE CLINICAL**
23 **STAFFING COMMITTEE SHALL ESTABLISH, BASED ON THE PATIENT POPULATION OF**
24 **THE HOSPITAL:**

25 **(I) SUGGESTED GUIDELINES OR RATIOS, MATRICES, OR GRIDS**
26 **INDICATING HOW MANY PATIENTS SHOULD BE ASSIGNED TO EACH REGISTERED**
27 **NURSE BY UNIT OR SETTING; AND**

28 **(II) THE NUMBER OF REGISTERED NURSES, LICENSED**
29 **PRACTICAL NURSES, CERTIFIED NURSING ASSISTANTS, CERTIFIED MEDICINE**
30 **TECHNICIANS, ENVIRONMENTAL SERVICE WORKERS, AND ANCILLARY MEMBERS OF**
31 **THE DIRECT CARE TEAM THAT SHOULD BE PRESENT ON EACH UNIT DURING EACH**
32 **SHIFT.**

1 **(2) TO THE EXTENT PRACTICABLE, THE GUIDELINES ESTABLISHED**
2 **UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE BASED ON NATIONAL**
3 **EVIDENCE-BASED STANDARDS.**

4 **(F) ON OR BEFORE JULY 1 EACH YEAR, EACH HOSPITAL, THROUGH THE**
5 **CLINICAL STAFFING COMMITTEE, SHALL CONDUCT A REVIEW OF THE CLINICAL**
6 **STAFFING PLAN TO:**

7 **(1) EVALUATE THE EFFECTIVENESS OF THE CLINICAL STAFFING**
8 **PLAN DURING THE IMMEDIATELY PRECEDING YEAR; AND**

9 **(2) UPDATE THE CLINICAL STAFFING PLAN TO ENSURE THAT THE**
10 **CLINICAL STAFFING PLAN CONTINUES TO BE APPROPRIATE AND EFFECTIVE.**

11 **(G) A HOSPITAL SHALL PROVIDE ITS CLINICAL STAFFING PLAN ON**
12 **REQUEST.**

13 19-342.

14 (c) Each administrator of a hospital shall:

15 **(4) Provide annual training to all patient care staff members to ensure the**
16 **staff's knowledge and understanding of the patient's bill of rights THROUGH TRAINING**
17 **PROVIDED BY STAFF MEMBERS OR, IF THE HOSPITAL IS UNABLE TO PROVIDE THE**
18 **TRAINING THROUGH STAFF MEMBERS, BY CONTRACTING WITH A THIRD PARTY.**

19 ~~19-386. RESERVED.~~

20 ~~19-387. RESERVED.~~

21 ~~**PART XII. CLINICAL STAFFING COMMITTEES AND PLANS.**~~

22 ~~19-388.~~

23 ~~**(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**~~
24 ~~**INDICATED.**~~

25 ~~**(B) (1) "ANCILLARY MEMBER OF THE FRONTLINE TEAM" MEANS AN**~~
26 ~~**INDIVIDUAL WHOSE PRIMARY DUTIES INCLUDE SUPPORTING INDIVIDUALS WHO**~~
27 ~~**PROVIDE DIRECT PATIENT CARE.**~~

28 ~~**(2) "ANCILLARY MEMBER OF THE FRONTLINE TEAM" INCLUDES:**~~

29 ~~**(i) DIETARY WORKERS;**~~

1 ~~(H) PATIENT CARE TECHNICIANS; AND~~

2 ~~(HH) OTHER NONLICENSED STAFF ASSISTING WITH PATIENT~~
3 ~~CARE.~~

4 ~~(C) "CLINICAL STAFFING COMMITTEE" MEANS THE COMMITTEE~~
5 ~~ESTABLISHED BY A HOSPITAL IN ACCORDANCE WITH § 19-390 OF THIS SUBTITLE.~~

6 ~~(D) "CLINICAL STAFFING PLAN" MEANS THE PLAN REQUIRED TO BE~~
7 ~~DEVELOPED UNDER § 19-391 OF THIS SUBTITLE.~~

8 ~~(E) "COMMISSION" MEANS THE HEALTH SERVICES COST REVIEW~~
9 ~~COMMISSION ESTABLISHED UNDER SUBTITLE 2 OF THIS TITLE.~~

10 ~~(F) "UNFORESEEABLE EMERGENCY CIRCUMSTANCE" MEANS:~~

11 ~~(1) AN OFFICIALLY DECLARED NATIONAL, STATE, OR LOCAL~~
12 ~~EMERGENCY;~~

13 ~~(2) AN EVENT THAT CAUSES A HOSPITAL TO ACTIVATE THE~~
14 ~~HOSPITAL'S DISASTER PLAN; OR~~

15 ~~(3) A NATURAL OR MANMADE DISASTER OR CATASTROPHIC EVENT~~
16 ~~THAT IMMEDIATELY AFFECTS OR INCREASES THE NEED FOR HEALTH CARE~~
17 ~~SERVICES.~~

18 ~~19-389.~~

19 ~~THIS PART MAY NOT BE CONSTRUED TO:~~

20 ~~(1) REPLACE OR SUPPLANT ANY COMPLAINT MECHANISM~~
21 ~~ESTABLISHED BY A HOSPITAL, INCLUDING ANY COMPLAINT MECHANISM DESIGNED~~
22 ~~TO COMPLY WITH ANY EXISTING FEDERAL, STATE, OR LOCAL LAWS;~~

23 ~~(2) LIMIT OR SUPPLANT THE RIGHTS OF EMPLOYEES OR THEIR~~
24 ~~EXCLUSIVE REPRESENTATIVES TO ENFORCE RIGHTS CONFERRED UNDER THE~~
25 ~~TERMS OF A COLLECTIVE BARGAINING AGREEMENT; OR~~

26 ~~(3) AFFECT MORE STRINGENT STANDARDS IN FEDERAL OR STATE~~
27 ~~LAW OR REGULATION OR THE TERMS OF AN APPLICABLE COLLECTIVE BARGAINING~~
28 ~~AGREEMENT.~~

29 ~~19-390.~~

1 ~~(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR~~
2 ~~BEFORE JANUARY 1, 2025, EACH HOSPITAL LICENSED UNDER THIS TITLE SHALL~~
3 ~~ESTABLISH AND MAINTAIN A CLINICAL STAFFING COMMITTEE.~~

4 ~~(2) A HOSPITAL MAY COMPLY WITH THE REQUIREMENT UNDER~~
5 ~~PARAGRAPH (1) OF THIS SUBSECTION BY ASSIGNING THE DUTIES OF A CLINICAL~~
6 ~~STAFFING COMMITTEE TO AN EXISTING COMMITTEE IN THE HOSPITAL THAT MEETS~~
7 ~~THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.~~

8 ~~(B) (1) (i) AT LEAST 50% OF THE MEMBERSHIP OF A CLINICAL~~
9 ~~STAFFING COMMITTEE MUST BE COMPOSED OF REGISTERED NURSES, LICENSED~~
10 ~~PRACTICAL NURSES, CERTIFIED NURSING ASSISTANTS, AND ANCILLARY MEMBERS~~
11 ~~OF THE FRONTLINE TEAM IN THE HOSPITAL.~~

12 ~~(ii) THE MEMBERSHIP DESCRIBED IN SUBPARAGRAPH (i) OF~~
13 ~~THIS PARAGRAPH SHALL BE SELECTED:~~

14 ~~1. IF THERE IS AN APPLICABLE COLLECTIVE~~
15 ~~BARGAINING AGREEMENT, IN ACCORDANCE WITH THE COLLECTIVE BARGAINING~~
16 ~~AGREEMENT; OR~~

17 ~~2. BY THE REGISTERED NURSES, LICENSED PRACTICAL~~
18 ~~NURSES, CERTIFIED NURSING ASSISTANTS, AND ANCILLARY MEMBERS OF THE~~
19 ~~FRONTLINE TEAM WORKING IN THE HOSPITAL.~~

20 ~~(2) THE REMAINDER OF THE MEMBERSHIP OF A CLINICAL STAFFING~~
21 ~~COMMITTEE MUST BE COMPOSED OF INDIVIDUALS EMPLOYED IN THE~~
22 ~~ADMINISTRATION OF THE HOSPITAL AND MAY INCLUDE:~~

23 ~~(i) A CHIEF FINANCIAL OFFICER;~~

24 ~~(ii) A CHIEF NURSING OFFICER; AND~~

25 ~~(iii) PATIENT CARE UNIT DIRECTORS OR MANAGERS OR THEIR~~
26 ~~DESIGNEES.~~

27 ~~(C) (1) A HOSPITAL MAY NOT:~~

28 ~~(i) REQUIRE A MEMBER OF THE CLINICAL STAFFING~~
29 ~~COMMITTEE TO PARTICIPATE ON THE CLINICAL STAFFING COMMITTEE OUTSIDE~~
30 ~~SCHEDULED WORK TIME; OR~~

1 ~~(H) ADD WORK DUTIES TO OR REASSIGN A MEMBER OF THE~~
2 ~~CLINICAL STAFFING COMMITTEE AS A RESULT OF THE MEMBER'S PARTICIPATION~~
3 ~~ON THE CLINICAL STAFFING COMMITTEE.~~

4 ~~(2) A HOSPITAL SHALL COMPENSATE EACH MEMBER OF THE~~
5 ~~CLINICAL STAFFING COMMITTEE AT AN APPROPRIATE RATE FOR TIME SPENT~~
6 ~~PARTICIPATING ON A CLINICAL STAFFING COMMITTEE.~~

7 ~~19-391.~~

8 ~~(A) A CLINICAL STAFFING COMMITTEE SHALL:~~

9 ~~(1) DEVELOP AND PROVIDE OVERSIGHT FOR THE IMPLEMENTATION~~
10 ~~OF AN ANNUAL CLINICAL STAFFING PLAN THAT:~~

11 ~~(i) IS BASED ON PATIENT NEEDS;~~

12 ~~(ii) ESTABLISHES SPECIFIC GUIDELINES OR RATIOS,~~
13 ~~MATRICES, OR GRIDS INDICATING HOW MANY PATIENTS SHOULD BE ASSIGNED TO~~
14 ~~EACH REGISTERED NURSE; AND~~

15 ~~(iii) ESTABLISHES THE NUMBER OF REGISTERED NURSES,~~
16 ~~LICENSED PRACTICAL NURSES, CERTIFIED NURSING ASSISTANTS, AND ANCILLARY~~
17 ~~MEMBERS OF THE FRONTLINE TEAM THAT SHOULD BE PRESENT ON EACH UNIT AND~~
18 ~~DURING EACH SHIFT;~~

19 ~~(2) DEVELOP A PROCESS FOR REEVALUATING AND AMENDING THE~~
20 ~~CLINICAL STAFFING PLAN AS NECESSARY;~~

21 ~~(3) ESTABLISH RULES AND CRITERIA TO PROVIDE FOR EMPLOYEE~~
22 ~~CONFIDENTIALITY DURING A REVIEW OF A CLINICAL STAFFING PLAN; AND~~

23 ~~(4) DEVELOP A PROCESS FOR RECEIVING, RESOLVING, AND~~
24 ~~TRACKING COMPLAINTS REGARDING THE CLINICAL STAFFING PLAN.~~

25 ~~(B) IN DEVELOPING THE CLINICAL STAFFING PLAN, THE CLINICAL~~
26 ~~STAFFING COMMITTEE SHALL CONSIDER:~~

27 ~~(1) THE AVERAGE NUMBER OF PATIENTS ON EACH UNIT ON EACH~~
28 ~~SHIFT DURING THE IMMEDIATELY PRECEDING YEAR AND RELEVANT INFORMATION~~
29 ~~REGARDING PATIENT DISCHARGES, POTENTIAL ADMISSIONS, AND TRANSFERS;~~

1 ~~(2) THE AVERAGE LEVEL OF ACUITY FOR PATIENTS ON EACH UNIT ON~~
2 ~~EACH SHIFT DURING THE IMMEDIATELY PRECEDING YEAR AND THE~~
3 ~~CORRESPONDING LEVEL OF NURSING CARE REQUIRED;~~

4 ~~(3) AN ESTIMATE OF THE APPROPRIATE COMBINATION OF SKILL,~~
5 ~~EXPERIENCE LEVEL, AND SPECIALTY CERTIFICATION OR TRAINING OF STAFF FOR~~
6 ~~EACH UNIT ON EACH SHIFT THAT IS REQUIRED TO ADEQUATELY PROVIDE CARE;~~

7 ~~(4) THE NEED FOR SPECIALIZED INTENSIVE EQUIPMENT;~~

8 ~~(5) THE ARCHITECTURE AND LAYOUT OF A PATIENT CARE UNIT,~~
9 ~~INCLUDING PLACEMENT OF PATIENT ROOMS, TREATMENT AREAS, NURSING~~
10 ~~STATIONS, MEDICATION PREPARATION AREAS, AND EQUIPMENT;~~

11 ~~(6) MECHANISMS AND PROCEDURES REQUIRED TO PROVIDE~~
12 ~~ONE TO ONE PATIENT OBSERVATION OR CARE, AS APPROPRIATE, FOR PATIENTS ON~~
13 ~~PSYCHIATRIC OR OTHER UNITS;~~

14 ~~(7) MEASURES TO IMPROVE AND ENSURE WORKER AND PATIENT~~
15 ~~SAFETY;~~

16 ~~(8) SPECIAL CHARACTERISTICS OF EACH UNIT OR PATIENT~~
17 ~~COMMUNITY POPULATION, INCLUDING PATIENT AGE, CULTURAL OR LINGUISTIC~~
18 ~~DIVERSITY AND NEEDS, FUNCTIONAL ABILITY, COMMUNICATION SKILLS, OR OTHER~~
19 ~~RELEVANT SOCIAL OR SOCIOECONOMIC FACTORS;~~

20 ~~(9) STAFFING GUIDELINES ADOPTED OR PUBLISHED IN OTHER~~
21 ~~STATES OR LOCAL JURISDICTIONS OR BY NATIONAL NURSING PROFESSIONAL~~
22 ~~ASSOCIATIONS, SPECIALTY NURSING ORGANIZATIONS, OR OTHER HEALTH~~
23 ~~PROFESSIONAL ORGANIZATIONS;~~

24 ~~(10) AVAILABILITY OF OTHER PERSONNEL SUPPORTING NURSING~~
25 ~~SERVICES ON EACH UNIT;~~

26 ~~(11) WAIVER OF PLAN REQUIREMENTS IN CASE OF UNFORESEEABLE~~
27 ~~EMERGENCY CIRCUMSTANCES;~~

28 ~~(12) COVERAGE TO ENABLE REGISTERED NURSES, LICENSED~~
29 ~~PRACTICAL NURSES, AND ANCILLARY MEMBERS OF THE FRONTLINE TEAM TO TAKE~~
30 ~~MEAL AND REST BREAKS AND PLANNED TIME OFF, AND TO ACCOMMODATE~~
31 ~~UNPLANNED ABSENCES THAT ARE REASONABLY FORESEEABLE;~~

32 ~~(13) GENERAL HOSPITAL FINANCES AND RESOURCES; AND~~

~~(14) PROVISIONS FOR LIMITED SHORT-TERM ADJUSTMENTS MADE BY APPROPRIATE HOSPITAL PERSONNEL OVERSEEING PATIENT CARE OPERATIONS TO THE STAFFING LEVELS REQUIRED BY A CLINICAL STAFFING PLAN NECESSARY TO ACCOUNT FOR UNEXPECTED CHANGES IN CIRCUMSTANCES THAT ARE TO BE OF LIMITED DURATION.~~

~~(C) (1) A CLINICAL STAFFING PLAN SHALL COMPLY WITH ALL FEDERAL AND STATE LAWS AND REGULATIONS.~~

~~(2) A CLINICAL STAFFING PLAN SHALL COMPLY WITH AND INCORPORATE ANY MINIMUM STAFFING LEVELS PROVIDED FOR IN APPLICABLE COLLECTIVE BARGAINING AGREEMENTS, INCLUDING:~~

~~(I) NURSE TO PATIENT RATIOS;~~

~~(II) CAREGIVER TO PATIENT RATIOS;~~

~~(III) STAFFING GRIDS;~~

~~(IV) STAFFING MATRICES; AND~~

~~(V) ANY OTHER APPLICABLE STAFFING PROVISION.~~

~~(D) AT LEAST EVERY 6 MONTHS, THE CLINICAL STAFFING COMMITTEE SHALL CONDUCT A REVIEW OF THE CLINICAL STAFFING PLAN BY COMPARING THE CLINICAL STAFFING PLAN TO PATIENT NEEDS AND EVIDENCE-BASED STAFFING INFORMATION.~~

~~(E) THE CLINICAL STAFFING COMMITTEE SHALL REVIEW, ASSESS, AND RESOLVE COMPLAINTS REGARDING POTENTIAL VIOLATIONS OF A CLINICAL STAFFING PLAN, STAFFING VARIATIONS, OR OTHER CONCERNS REGARDING THE IMPLEMENTATION OF THE CLINICAL STAFFING PLAN.~~

~~19-392.~~

~~(A) ON OR BEFORE JUNE 1 EACH YEAR, THE CLINICAL STAFFING COMMITTEE OF EACH HOSPITAL SHALL DEVELOP THE HOSPITAL'S CLINICAL STAFFING PLAN.~~

~~(B) EXCEPT AS PROVIDED IN SUBSECTION (C)(1) OF THIS SECTION, ON OR BEFORE JUNE 15 EACH YEAR, THE CLINICAL STAFFING COMMITTEE SHALL ADOPT A CLINICAL STAFFING PLAN BY A MAJORITY VOTE OF THE CLINICAL STAFFING COMMITTEE.~~

1 ~~(C) (1) IF A CLINICAL STAFFING COMMITTEE IS UNABLE TO ADOPT A~~
2 ~~CLINICAL STAFFING PLAN AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION,~~
3 ~~THE CHIEF EXECUTIVE OFFICER OF THE HOSPITAL SHALL ADOPT A CLINICAL~~
4 ~~STAFFING PLAN THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE NOT LATER~~
5 ~~THAN JUNE 30.~~

6 ~~(2) IF A CHIEF EXECUTIVE OFFICER ADOPTS A CLINICAL STAFFING~~
7 ~~PLAN UNDER THIS PARAGRAPH (1) OF THIS SUBSECTION, THE CHIEF EXECUTIVE~~
8 ~~OFFICER SHALL ADOPT A PLAN THAT:~~

9 ~~(I) IF PRACTICABLE, IS BASED ON A CLINICAL STAFFING PLAN~~
10 ~~THAT WAS PREVIOUSLY ADOPTED BY THE CLINICAL STAFFING COMMITTEE AS A~~
11 ~~BASIS FOR THE NEW CLINICAL STAFFING PLAN; AND~~

12 ~~(II) INCORPORATES ANY STAFFING RELATED TERMS AND~~
13 ~~CONDITIONS THAT HAVE BEEN ADOPTED PREVIOUSLY THROUGH A COLLECTIVE~~
14 ~~BARGAINING AGREEMENT.~~

15 ~~(D) (1) ON OR BEFORE JULY 31 EACH YEAR, EACH HOSPITAL SHALL~~
16 ~~SUBMIT TO THE COMMISSION:~~

17 ~~(I) THE CLINICAL STAFFING PLAN;~~

18 ~~(II) DATA FROM THE IMMEDIATELY PRECEDING YEAR~~
19 ~~REGARDING THE FREQUENCY AND DURATION OF VARIATIONS FROM THE ADOPTED~~
20 ~~CLINICAL STAFFING PLAN; AND~~

21 ~~(III) THE NUMBER OF COMPLAINTS RECEIVED DURING THE~~
22 ~~IMMEDIATELY PRECEDING YEAR RELATING TO THE CLINICAL STAFFING PLAN AND~~
23 ~~THE DISPOSITION OF EACH COMPLAINT.~~

24 ~~(2) (I) ON OR BEFORE AUGUST 14 EACH YEAR, THE COMMISSION~~
25 ~~SHALL INCLUDE ON ITS WEBSITE EACH CLINICAL STAFFING PLAN SUBMITTED~~
26 ~~UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.~~

27 ~~(II) IF A HOSPITAL'S CLINICAL STAFFING PLAN IS AMENDED~~
28 ~~FOR ANY REASON DURING THE YEAR, THE HOSPITAL SHALL SUBMIT TO THE~~
29 ~~COMMISSION AN UPDATED CLINICAL STAFFING PLAN IN A TIMELY MANNER.~~

30 ~~(III) THE COMMISSION SHALL INCLUDE ON ITS WEBSITE ANY~~
31 ~~CLINICAL STAFFING PLAN THAT IS UPDATED UNDER THIS PARAGRAPH IN A TIMELY~~
32 ~~MANNER.~~

1 ~~(A) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2026, EACH~~
2 ~~HOSPITAL SHALL:~~

3 ~~(1) IMPLEMENT THE CLINICAL STAFFING PLAN ADOPTED UNDER §~~
4 ~~19-392 OF THIS SUBTITLE; AND~~

5 ~~(2) ASSIGN PERSONNEL TO EACH PATIENT CARE UNIT IN~~
6 ~~ACCORDANCE WITH THE CLINICAL STAFFING PLAN.~~

7 ~~(B) A REGISTERED NURSE, A LICENSED PRACTICAL NURSE, AN ANCILLARY~~
8 ~~MEMBER OF THE FRONTLINE TEAM, OR AN APPLICABLE EXCLUSIVE~~
9 ~~REPRESENTATIVE MAY SUBMIT A COMPLAINT TO THE CLINICAL STAFFING~~
10 ~~COMMITTEE REGARDING ANY VARIATION WHERE PERSONNEL ASSIGNMENT IN A~~
11 ~~PATIENT CARE UNIT IS NOT IN ACCORDANCE WITH THE ADOPTED CLINICAL~~
12 ~~STAFFING PLAN.~~

13 ~~(C) THE CLINICAL STAFFING COMMITTEE SHALL DETERMINE, BY A~~
14 ~~MAJORITY VOTE, WHETHER A COMPLAINT HAS BEEN ADEQUATELY RESOLVED.~~

15 ~~19-394.~~

16 ~~(A) ON OR BEFORE JANUARY 1 EACH YEAR, EACH HOSPITAL SHALL POST IN~~
17 ~~A PUBLICLY ACCESSIBLE AND CONSPICUOUS AREA ON EACH PATIENT UNIT THE~~
18 ~~CLINICAL STAFFING PLAN FOR THE UNIT AND THE ACTUAL DAILY STAFFING FOR~~
19 ~~EACH SHIFT ON THE UNIT.~~

20 ~~(B) IF A CLINICAL STAFFING PLAN FOR A UNIT IS AMENDED AFTER IT IS~~
21 ~~IMPLEMENTED, THE HOSPITAL SHALL POST THE AMENDED CLINICAL STAFFING~~
22 ~~PLAN FOR THE UNIT IN A TIMELY MANNER.~~

23 ~~19-395.~~

24 ~~A HOSPITAL MAY NOT RETALIATE AGAINST OR ENGAGE IN ANY FORM OF~~
25 ~~INTIMIDATION OF:~~

26 ~~(1) AN EMPLOYEE FOR PERFORMING DUTIES OR RESPONSIBILITIES~~
27 ~~IN CONNECTION WITH THE CLINICAL STAFFING COMMITTEE; OR~~

28 ~~(2) AN EMPLOYEE, A PATIENT, OR OTHER INDIVIDUAL WHO NOTIFIES~~
29 ~~THE CLINICAL STAFFING COMMITTEE OR THE HOSPITAL ADMINISTRATION OF THE~~
30 ~~INDIVIDUAL'S STAFFING CONCERNS.~~

31 ~~19-396.~~

1 ~~(A) ON RECEIPT OF A COMPLAINT WITH SUPPORTING EVIDENCE, THE~~
2 ~~COMMISSION SHALL INVESTIGATE AN ALLEGED FAILURE:~~

3 ~~(1) OF A HOSPITAL TO ESTABLISH A CLINICAL STAFFING COMMITTEE~~
4 ~~AS REQUIRED;~~

5 ~~(2) OF A HOSPITAL TO COMPLY WITH THE REQUIREMENTS OF THIS~~
6 ~~SUBTITLE IN CREATING A CLINICAL STAFFING PLAN;~~

7 ~~(3) OF A HOSPITAL TO IMPLEMENT ALL OR PART OF AN ADOPTED~~
8 ~~CLINICAL STAFFING PLAN;~~

9 ~~(4) OF A CLINICAL STAFFING COMMITTEE TO CONDUCT A REVIEW OF~~
10 ~~A CLINICAL STAFFING PLAN UNDER § 19-391(D) OF THIS SUBTITLE; OR~~

11 ~~(5) OF A HOSPITAL TO SUBMIT TO THE COMMISSION ANY RELEVANT~~
12 ~~UPDATES TO A CLINICAL STAFFING PLAN.~~

13 ~~(B) IF THE COMMISSION RECEIVES A COMPLAINT OF UNRESOLVED~~
14 ~~COMPLAINTS RELATING TO A CLINICAL STAFFING PLAN, THE COMMISSION SHALL~~
15 ~~INITIATE AN INVESTIGATION IF THE COMPLAINT RELATES TO:~~

16 ~~(1) COMPLIANCE WITH AN ADOPTED CLINICAL STAFFING PLAN;~~

17 ~~(2) PERSONNEL ASSIGNMENTS IN A PATIENT CARE UNIT OR~~
18 ~~STAFFING LEVELS; OR~~

19 ~~(3) ANY OTHER MATTER REQUIRED TO BE INCLUDED IN A CLINICAL~~
20 ~~STAFFING PLAN IN ACCORDANCE WITH THIS SUBTITLE.~~

21 ~~(C) IF THE COMMISSION INITIATES AN INVESTIGATION UNDER SUBSECTION~~
22 ~~(B) OF THIS SECTION, THE COMMISSION SHALL DETERMINE WHETHER THERE IS A~~
23 ~~PATTERN OF FAILURE ON THE PART OF A CLINICAL STAFFING COMMITTEE OR A~~
24 ~~HOSPITAL:~~

25 ~~(1) TO RESOLVE COMPLAINTS SUBMITTED TO THE CLINICAL~~
26 ~~STAFFING COMMITTEE; OR~~

27 ~~(2) TO ADOPT A CLINICAL STAFFING PLAN UNDER § 19-392 OF THIS~~
28 ~~SUBTITLE.~~

29 ~~(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
30 ~~THE COMMISSION SHALL REQUIRE THE HOSPITAL TO SUBMIT A CORRECTIVE~~

1 ~~ACTION PLAN WITHIN 45 DAYS AFTER THE COMMISSION'S NOTIFICATION OF A~~
2 ~~VIOLATION IF:~~

3 ~~(I) THERE HAS BEEN A DETERMINATION OF A VIOLATION~~
4 ~~UNDER THIS SUBTITLE; OR~~

5 ~~(II) THE COMMISSION FINDS UNDER SUBSECTION (C) OF THIS~~
6 ~~SECTION THAT THE CLINICAL STAFFING COMMITTEE IS RESPONSIBLE FOR A~~
7 ~~PATTERN OF UNRESOLVED COMPLAINTS.~~

8 ~~(2) THE COMMISSION MAY NOT REQUIRE THE HOSPITAL TO SUBMIT A~~
9 ~~CORRECTIVE PLAN OF ACTION IF THE COMMISSION FINDS THAT THE MEMBERS OF~~
10 ~~THE CLINICAL STAFFING COMMITTEE WHO ARE ANCILLARY MEMBERS OF THE~~
11 ~~FRONTLINE TEAM WERE RESPONSIBLE FOR:~~

12 ~~(I) THE CLINICAL STAFFING COMMITTEE FAILING TO RESOLVE~~
13 ~~COMPLAINTS; OR~~

14 ~~(II) A PATTERN OF FAILING TO ADOPT A CLINICAL STAFFING~~
15 ~~PLAN.~~

16 ~~(E) IN DETERMINING WHETHER A VIOLATION OCCURRED, THE~~
17 ~~COMMISSION SHALL CONSIDER WHETHER AN UNFORESEEABLE EMERGENCY~~
18 ~~CIRCUMSTANCE WAS A MITIGATING FACTOR AFFECTING THE HOSPITAL'S ABILITY~~
19 ~~TO FOLLOW AN ADOPTED CLINICAL STAFFING PLAN.~~

20 ~~19-397.~~

21 ~~(A) IF A HOSPITAL FAILS TO SUBMIT A CORRECTIVE ACTION PLAN IN~~
22 ~~ACCORDANCE WITH § 19-396 OF THIS SUBTITLE, THE COMMISSION MAY IMPOSE A~~
23 ~~CIVIL PENALTY NOT EXCEEDING \$3,000 FOR EACH VIOLATION.~~

24 ~~(B) THE COMMISSION SHALL MAINTAIN FOR PUBLIC INSPECTION AND~~
25 ~~INCLUDE ON THE COMMISSION'S WEBSITE A RECORD OF ANY CIVIL PENALTY~~
26 ~~IMPOSED IN ACCORDANCE WITH THIS SUBTITLE.~~

27 ~~19-398.~~

28 ~~(A) ON OR BEFORE DECEMBER 31 EACH YEAR, BEGINNING IN 2025, THE~~
29 ~~COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR, THE SECRETARY, AND,~~
30 ~~IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE~~
31 ~~GENERAL ASSEMBLY.~~

1 ~~(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION~~
2 ~~SHALL INCLUDE, FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR;~~

3 ~~(1) THE NUMBER OF COMPLAINTS SUBMITTED TO THE COMMISSION~~
4 ~~REGARDING A CLINICAL STAFFING COMMITTEE OR CLINICAL STAFFING PLAN;~~

5 ~~(2) THE NUMBER OF INVESTIGATIONS CONDUCTED BY THE~~
6 ~~COMMISSION UNDER § 19-396 OF THIS SUBTITLE;~~

7 ~~(3) THE DISPOSITION OF COMPLAINTS SUBMITTED TO THE~~
8 ~~COMMISSION REGARDING A CLINICAL STAFFING COMMITTEE OR CLINICAL~~
9 ~~STAFFING PLAN; AND~~

10 ~~(4) THE ASSOCIATED COSTS FOR CONDUCTING INVESTIGATIONS AND~~
11 ~~RESOLVING COMPLAINTS UNDER THIS SUBTITLE.~~

12 ~~(C) BEFORE SUBMITTING THE REPORT REQUIRED UNDER SUBSECTION (A)~~
13 ~~OF THIS SECTION, THE COMMISSION SHALL CONVENE A STAKEHOLDER~~
14 ~~WORKGROUP CONSISTING OF HOSPITAL ASSOCIATIONS AND UNIONS~~
15 ~~REPRESENTING NURSES OR ANCILLARY MEMBERS OF THE FRONTLINE TEAM FOR~~
16 ~~THE PURPOSES OF REVIEWING THE REPORT.~~

17 SECTION 2. AND BE IT FURTHER ENACTED, That each hospital shall establish
18 a clinical staffing committee as required under § 19-310.4 of the Health – General Article,
19 as enacted by Section 1 of this Act, on or before January 1, 2025.

20 SECTION 3. AND BE IT FURTHER ENACTED, That each clinical staffing
21 committee shall develop a clinical staffing plan as required under § 19-310.4 of the
22 Health – General Article, as enacted by Section 1 of this Act, on or before July 1, 2025.

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.