

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1631 Session of 2013

INTRODUCED BY GINGRICH, SONNEY, ADOLPH, KOTIK, HARHAI, DIGIROLAMO, TOOHIL, MILLARD, SABATINA, RAVENSTAHL, GODSHALL, FARRY, SCHLOSSBERG, DAVIS, GROVE, MURT, KINSEY, STURLA, PAINTER, SWANGER, HELM, GIBBONS, M. K. KELLER, BARRAR, COHEN, MICOZZIE, HESS, CLYMER, HARPER, B. BOYLE, SAYLOR, C. HARRIS, WATERS, MULLERY, DeLUCA, WATSON, MASSER, STERN, SIMS, PETRI, O'BRIEN, KORTZ, REGAN, MARSICO, M. DALEY, GOODMAN, F. KELLER, HARKINS, PETRARCA, HARHART AND CALTAGIRONE, AUGUST 2, 2013

REFERRED TO COMMITTEE ON HEALTH, AUGUST 2, 2013

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An  
 2 act relating to health care; prescribing the powers and  
 3 duties of the Department of Health; establishing and  
 4 providing the powers and duties of the State Health  
 5 Coordinating Council, health systems agencies and Health Care  
 6 Policy Board in the Department of Health, and State Health  
 7 Facility Hearing Board in the Department of Justice;  
 8 providing for certification of need of health care providers  
 9 and prescribing penalties," providing for professional nurse  
 10 staffing standards.

11 The General Assembly of the Commonwealth of Pennsylvania  
 12 hereby enacts as follows:

13 Section 1. The act of July 19, 1979 (P.L.130, No.48), known  
 14 as the Health Care Facilities Act, is amended by adding a  
 15 chapter to read:

16 CHAPTER 8-A

17 PROFESSIONAL NURSE STAFFING STANDARDS

18 Section 801-A. Scope of chapter.

19 This chapter relates to professional nurse staffing standards

1 in general or special hospitals that will address patient safety  
2 and the delivery of quality nursing care to patients.

3 Section 802-A. Definitions.

4 The following words and phrases when used in this chapter  
5 shall have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Direct patient care." Care provided by a staff member with  
8 direct responsibility to carry out medical regimens or nursing  
9 care for one or more patients.

10 "Hospital unit." An area in a hospital where direct patient  
11 care is provided.

12 "Professional nurse." An individual who holds a license to  
13 practice professional nursing under the act of May 22, 1951  
14 (P.L.317, No.69), known as The Professional Nursing Law.

15 "Quality measures." Measures or indicators derived from  
16 various sources. The term includes, but is not limited to,  
17 claims and medical records that allow the organization to  
18 evaluate processes and outcomes of care and nursing-sensitive  
19 indicators endorsed by the National Quality Forum or that are  
20 part of the National Database for Nursing Quality Indicators.

21 "Staffing committee." The professional nurse staffing  
22 committee or committees established under section 804-A.

23 "Staffing plan." The professional nurse staffing plan  
24 established under section 803-A.

25 Section 803-A. Organizational development of professional nurse  
26 staffing plan.

27 A hospital shall develop, implement and monitor a  
28 professional nurse staffing plan for each hospital unit. The  
29 development of the plan shall occur internally by a professional  
30 nurse staffing committee or committees established under section

1 804-A.

2 Section 804-A. Professional nurse staffing committees.

3 (a) Establishment.--A hospital shall establish at least one  
4 professional nurse staffing committee within 180 days of the  
5 effective date of this section. The staffing committee shall  
6 meet at least two times each year.

7 (b) Membership.--The membership of the staffing committee  
8 shall be split evenly between professional nurses currently  
9 providing direct patient care in the hospital and administrative  
10 staff chosen by the hospital. The following shall apply:

11 (1) Professional nurses currently providing direct  
12 patient care in the hospital shall be selected by their peers  
13 on an anonymous basis to serve on the committee.

14 (2) Administrative staff may be appointed at the  
15 discretion of the board of directors or president of the  
16 hospital and shall include at least one individual with  
17 experience with the hospital's budget or financial condition.

18 (c) Oversight.--The chairperson of the staffing committee  
19 shall ensure that the staffing committee develops a staffing  
20 plan for each unit and that the plans are evaluated.

21 Section 805-A. Duties and responsibilities of hospital.

22 A hospital shall have the following duties and  
23 responsibilities:

24 (1) Establish the staffing committee required to develop  
25 the staffing plan prescribed in section 804-A within 120 days  
26 of the effective date of this section.

27 (2) Provide the education and parameters necessary for  
28 staff to create a staffing plan given the available resources  
29 of the hospital so that staff can responsibly develop the  
30 staffing plan within 180 days of the effective date of this

1 section.

2 (3) Adopt the staffing plan in a timeline that is  
3 consistent with the hospital budgetary planning process.

4 (4) Make accessible to all nursing staff the final and  
5 approved staffing plan for the units in the hospital.

6 (5) Evaluate staffing plans and report to the staffing  
7 committee no less than twice annually.

8 (6) Develop and implement a plan of action with the  
9 assistance of professional nurses providing direct patient  
10 care and other appropriate staff, if there is evidence of  
11 noncompliance with the staffing plan and the noncompliance  
12 with the staffing plan negatively impacts patients and  
13 professional nurses.

14 (7) Establish a process by which immediate concerns  
15 about nurse staffing can be reported and addressed within  
16 nursing and inform the professional nurse staff of the  
17 process.

18 (8) Develop mechanisms by which nursing staff can raise  
19 concerns and make recommendations about the staffing plans  
20 either through the existing staffing committee or nursing  
21 administration, or both.

22 (9) Ensure that the chief nursing officer receives  
23 periodic reports from the staffing committee in a format  
24 developed by the hospital to ensure that consistent  
25 information is captured.

26 (10) Receive reports from other hospital committees,  
27 including, but not limited to, the patient safety committee  
28 and quality committee, that may be related to nurse staffing.

29 (11) Provide an annual report, for internal purposes, to  
30 the chief executive officer, the staffing committee and the

1 governing board relating to nurse staffing, including, but  
2 not limited to, compliance with the approved nurse staffing  
3 plans and any actions taken to address nurse staffing issues.

4 (12) Make available to all patients information on how  
5 to make a request for the staffing plan, including the  
6 appropriate person, office or department that may be  
7 contacted to review or obtain a copy of the plan.

8 (13) Comply with act of December 12, 1986 (P.L.1559,  
9 No.169), known as the Whistleblower Law, and section  
10 307(b)(4) of the act of March 20, 2002 (P.L.154, No.13),  
11 known as the Medical Care Availability and Reduction of Error  
12 (Mcare) Act.

13 Section 806-A. Duties and responsibilities of staffing  
14 committees.

15 The staffing committee shall have the following duties and  
16 responsibilities:

17 (1) Develop a staffing plan, in a timeline that is  
18 consistent with the hospital budgetary planning process, for  
19 each hospital unit as prescribed in section 803-A within 180  
20 days following the effective date of this section.

21 (2) Elect a chairperson from within the staffing  
22 committee who is a professional nurse that provides direct  
23 patient care.

24 (3) Develop a staffing plan that takes into  
25 consideration variables that can influence the staffing plan  
26 for that hospital unit. The variables include, but are not  
27 limited to, the following:

28 (i) The special skills and competencies required by  
29 the nursing staff in that hospital unit to provide care  
30 to the hospital unit's patient population to ensure the

1 delivery of quality care and quality outcomes.

2 (ii) Staffing standards recommended by nationally  
3 recognized professional nursing organizations,  
4 particularly those that address professional standards of  
5 care for the selected patient population.

6 (iii) Staff skill mix, specialty certification and  
7 years of experience.

8 (iv) The numbers and types of other professional,  
9 paraprofessional or support staff that professional  
10 nurses must collaborate with or supervise to ensure the  
11 delivery of quality care and quality outcomes.

12 (v) Patient volume, patient acuity, nursing care  
13 intensity and patient turnover issues that can affect the  
14 numbers and types of staff required for the patient  
15 population in a hospital unit.

16 (vi) The time needed to complete various key nursing  
17 tasks, including, but not limited to, surveillance,  
18 patient assessment, patient education and discharge  
19 planning.

20 (vii) The physical environment in which care is  
21 provided, including, but not limited to, the physical  
22 architecture of each hospital unit, patient location and  
23 available technology of the health care facility.

24 (4) Approve the plan with a vote in favor of the plan of  
25 at least 66% of the professional nursing staff committee.

26 (5) Ensure that the plan contains information informing  
27 professional nurses how to report concerns about  
28 noncompliance with the staffing plan to a person designated  
29 by the staffing committee.

30 (6) Review the plan at least twice annually and adjust

1 the plan as determined by the staffing committee in  
2 accordance with the provisions of this section.

3 Section 807-A. Penalties.

4 The department may impose an administrative penalty of \$1,000  
5 per day upon any hospital not in compliance with this chapter.

6 Section 808-A. Confidentiality.

7 The following shall apply:

8 (1) The department shall ensure confidentiality of any  
9 reports made under this chapter in accordance with the act of  
10 June 10, 2009 (P.L.1, No.1), known as the Preventable Serious  
11 Adverse Events Act.

12 (2) The department shall ensure the confidentiality of  
13 the annual report required by section 805-A(11). The annual  
14 report shall not be included in the discovery process of any  
15 subsequent lawsuits filed against a hospital.

16 Section 2. This act shall take effect in 180 days.