

Senate File 2296 - Introduced

SENATE FILE _____
BY BOLKCOM _____

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nurse staffing levels in hospitals and
2 providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6049XS 82
5 jr/nh/8

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1 1 Section 1. NEW SECTION. 135B.35 TITLE.
1 2 This division may be cited as the "Hospital Staffing Plans
1 3 Act".
1 4 Sec. 2. NEW SECTION. 135B.36 DEFINITIONS.
1 5 As used in this division:
1 6 1. "Department" means the department of public health.
1 7 2. "Director" means the director of the department of
1 8 public health.
1 9 3. "Intensity" means the level of patient needs as
1 10 determined by a registered nurse providing direct patient
1 11 care, taking into account at least all of the following
1 12 factors:
1 13 a. The severity and urgency of the patient's admitting
1 14 condition.
1 15 b. Scheduled procedures.
1 16 c. The patient's ability to meet health care requisites.
1 17 d. The patient's availability of social supports.
1 18 e. The age and functional ability of the patient.
1 19 f. Communication skills of the patient.
1 20 g. Other needs identified by the patient and the
1 21 registered nurse.
1 22 4. "Patient care unit" means any unit of a hospital that
1 23 provides patient care.
1 24 5. "Skill mix" means the number of registered nurses,
1 25 licensed practical nurses, and other personnel providing
1 26 direct patient care.
1 27 6. "State board" means the state board of health.
1 28 Sec. 3. NEW SECTION. 135B.37 STAFFING COMMITTEE.
1 29 Each hospital shall appoint a staffing committee to assist
1 30 in the development and implementation of a staffing plan for
1 31 the hospital. At least one-half of the members of the
1 32 staffing committee shall be registered nurses currently
1 33 providing direct patient care in the hospital. If the
1 34 registered nurses employed by the hospital have elected a
1 35 collective bargaining representative, the registered nurse
2 1 representatives on the staffing committee shall be selected by
2 2 the collective bargaining representative. Participation in
2 3 the staffing committee shall be considered part of the
2 4 employee's regularly scheduled work hours.
2 5 Sec. 4. NEW SECTION. 135B.38 STAFFING PLAN FOR NURSING
2 6 SERVICES.
2 7 1. By July 1, 2009, each hospital shall develop and
2 8 implement a staffing plan for nursing services. The hospital
2 9 shall collaborate with its staffing committee in the
2 10 development and implementation of the staffing plan. The
2 11 hospital shall file the staffing plan with the department,
2 12 post the staffing plan for each patient care unit in the
2 13 appropriate patient care unit in the hospital, and provide a
2 14 copy of the applicable staffing plan to a current or
2 15 prospective patient of a patient care unit upon request. The
2 16 hospital, in collaboration with its staffing committee, shall
2 17 review and update its staffing plan annually and file any
2 18 updated staffing plan with the department. The department
2 19 shall include each hospital's current staffing plan on the
2 20 hospital report card developed and made available pursuant to

2 21 section 135B.45.

2 22 2. A hospital staffing plan shall do all of the following:

2 23 a. Set the minimum skill mix required in each patient care
2 24 unit in the hospital based on the following criteria:

2 25 (1) Patient census information, including patient
2 26 discharges, admissions, and transfers.

2 27 (2) Level of intensity of all patients and the nature of
2 28 the care to be delivered on each shift.

2 29 (3) The skill level, experience, and specialty
2 30 certification or training of those persons providing care in
2 31 the unit.

2 32 (4) The need for specialized or intensive equipment.

2 33 b. Include appropriate limits on the use of agency and
2 34 traveling nurses.

2 35 c. Be consistent with the scopes of practice of registered
3 1 nurses and licensed practical nurses and the authorized duties
3 2 of other personnel providing direct patient care.

3 3 d. Include adequate administrative staff in each patient
3 4 care unit to ensure that nurses providing direct patient care
3 5 are not hindered in the delivery of that care.

3 6 e. Include a process for an annual internal review by the
3 7 staffing committee that ensures compliance with the staffing
3 8 plan, provides for review of incidents and staff concerns, and
3 9 tracks staffing patterns and the number of patients and their
3 10 acuity.

3 11 f. Comply with and not diminish existing standards in any
3 12 applicable collective bargaining agreement.

3 13 Sec. 5. NEW SECTION. 135B.39 HOSPITAL STAFFING.

3 14 1. A hospital shall staff each patient care unit in
3 15 accordance with its staffing plan. The hospital may deviate
3 16 from a staffing plan in cases of emergency, as determined by
3 17 the hospital. The hospital shall make a record of any
3 18 deviation from a staffing plan and report the deviation to the
3 19 department in a manner determined by the department by rule.

3 20 2. A hospital shall maintain and post a list of qualified,
3 21 on-call nursing staff and nursing services that may be called
3 22 to provide replacement staff in the event of sickness,
3 23 vacations, vacancies, and other absences of nursing staff.
3 24 The list shall provide a sufficient number of replacement
3 25 staff for the hospital on a regular basis.

3 26 Sec. 6. NEW SECTION. 135B.40 RECORDKEEPING AND
3 27 REPORTING.

3 28 1. A hospital shall maintain accurate daily records
3 29 containing all of the following:

3 30 a. The number of patients present in each patient care
3 31 unit at the end of each standard shift within the hospital.

3 32 b. The number of admissions, discharges, transfers, and
3 33 observation patients in each patient care unit during each
3 34 shift.

3 35 c. The skill mix in each patient care unit during each
4 1 shift.

4 2 2. The daily records shall be retained for at least seven
4 3 years and shall be made available upon request to the
4 4 department and the staffing committee.

4 5 3. At least twice a year, a hospital shall collect and
4 6 submit to the department the following nurse staffing
4 7 information:

4 8 a. The mix of registered nurses, licensed practical
4 9 nurses, and other personnel caring for patients as a
4 10 percentage of the total of all nursing care hours in each
4 11 patient care unit.

4 12 b. The total nursing care hours provided per patient day
4 13 in each patient care unit.

4 14 c. The average number of pressure ulcers per patient.

4 15 d. The average number of patient falls per one thousand
4 16 patient days.

4 17 Sec. 7. NEW SECTION. 135B.41 RETALIATION PROHIBITED.

4 18 A hospital shall not retaliate against or intimidate an
4 19 employee for performing any duties or responsibilities in
4 20 connection with participation on the staffing committee. A
4 21 hospital shall not retaliate against or intimidate an employee
4 22 who notifies the staffing committee, the hospital's
4 23 administration, or the department that a staffing schedule for
4 24 a patient care unit fails to comply with the posted staffing
4 25 plan or that the hospital has failed to develop or implement a
4 26 staffing plan as required by this division.

4 27 Sec. 8. NEW SECTION. 135B.42 PENALTIES.

4 28 1. The department shall investigate complaints of
4 29 violations of this division and may impose civil penalties,
4 30 not to exceed five thousand dollars per day per violation, or
4 31 suspend or revoke a hospital's license for a violation of this

4 32 division. Each violation of a staffing plan shall be
4 33 considered a separate violation.

4 34 2. The department shall maintain, and make available to
4 35 the public, records of any civil penalties, administrative
5 1 actions, or license suspensions or revocations imposed on
5 2 hospitals for a violation of this section.

5 3 Sec. 9. NEW SECTION. 135B.43 REPORT TO THE GENERAL
5 4 ASSEMBLY.

5 5 The department shall submit an annual report to the general
5 6 assembly regarding hospital staffing plans, including
5 7 information pertaining to hospital compliance with the
5 8 requirements of this division. The department shall make the
5 9 report available to the public.

5 10 Sec. 10. NEW SECTION. 135B.44 RULES.

5 11 The state board shall adopt rules as necessary to implement
5 12 this division.

5 13 Sec. 11. NEW SECTION. 135B.45 HOSPITAL REPORT CARD ==
5 14 STAFFING PLANS.

5 15 1. The director shall establish an Iowa hospital report
5 16 card consisting of the data assembled pursuant to this
5 17 division, including the hospital staffing plans required by
5 18 section 135B.38, and the nurse staffing information required
5 19 by section 135B.40. At a minimum, the data, hospital staffing
5 20 plans, and nurse staffing information shall be made available
5 21 on an internet web site in a manner that allows consumers to
5 22 conduct an interactive search that allows them to view and
5 23 compare the information for specific hospitals. The web site
5 24 shall include such additional information as is determined
5 25 necessary to ensure that the web site enhances informed
5 26 decision making among consumers and health care purchasers,
5 27 which shall include, at a minimum, appropriate guidance on how
5 28 to use the data, hospital staffing plans, and nurse staffing
5 29 information and an explanation of why the data, hospital
5 30 staffing plans, or nurse staffing information may vary from
5 31 hospital to hospital. All information specified in this
5 32 subsection shall be released on or before July 1, 2010, and
5 33 shall be updated on a regular basis.

5 34 2. Prior to the completion of the Iowa hospital report
5 35 card, the director shall ensure that every hospital is allowed
6 1 thirty days within which to examine the data, hospital
6 2 staffing plans, and nurse staffing information and submit
6 3 comments for consideration and inclusion in the final Iowa
6 4 hospital report card.

6 5 EXPLANATION

6 6 This bill requires, by July 1, 2009, hospitals to develop
6 7 staffing plans that establish the minimum number of registered
6 8 nurses, licensed practical nurses, and other personnel
6 9 providing direct patient care required in each patient care
6 10 unit in the hospitals. Each hospital must appoint a staffing
6 11 committee to assist in the development and implementation of a
6 12 staffing plan. At least one-half of the members of the
6 13 committee must be registered nurses currently providing direct
6 14 patient care in the hospital.

6 15 Plans must be filed with the department of public health
6 16 and be made available to patients upon request. The bill
6 17 requires hospitals to staff each patient care unit as provided
6 18 in the staffing plan. However, the bill does allow a
6 19 modification to the staffing plan for a particular patient
6 20 care unit in an emergency. Hospitals must maintain accurate
6 21 daily records and submit nurse staffing information to the
6 22 department at least semiannually.

6 23 The bill prohibits a hospital from retaliating against an
6 24 employee for participating on the staffing committee or
6 25 notifying the staffing committee, the hospital's
6 26 administration, or the department of a deviation from a
6 27 staffing plan or failure to develop or implement a staffing
6 28 plan.

6 29 The bill requires the department to investigate complaints
6 30 of violations. The department may impose civil penalties up
6 31 to five thousand dollars per day per violation, or suspend or
6 32 revoke a hospital's license for violation of these
6 33 requirements. Each violation of a staffing plan shall be
6 34 considered a separate violation.

6 35 The bill directs the director of public health to establish
7 1 a hospital report card. The report card consists of the data
7 2 collected pursuant to these provisions, including the hospital
7 3 staffing plans, and the nurse staffing information. This
7 4 information is to be available on an internet web site. The
7 5 web site must include additional information as necessary to
7 6 ensure that the web site enhances informed decision making
7 7 among consumers and health care purchasers. The information

7 8 shall be released on or before July 1, 2010, and shall be
7 9 updated regularly.

7 10 The bill requires the department to submit an annual report
7 11 to the general assembly regarding hospital compliance with
7 12 these requirements.

7 13 LSB 6049XS 82

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