

Legislative Summary

The Safe Nurse Staffing for Patient Safety and Quality Care Act of 2005

H.R. 1222

Introduced by Rep. Jan Schakowsky (D-IL)

PURPOSE: This bill establishes new federal staffing standards for hospitals that would improve patient safety and quality of care while also addressing the ever increasing nursing shortage that has left our nations' hospitals critically understaffed. As working conditions worsen and the quality of patient care deteriorates as a result of understaffing, nurses are leaving the profession and hospitals continue to face great difficulty recruiting new nurses. The bill establishes minimum direct care registered nurse-to-patient staffing ratios with a mechanism to account for the increased needs of patient based upon acuity of care. It would be enforced through the Public Health Service Act and improve the quality of care in all hospitals receiving federal funding, such as Medicare-Medicaid participating hospitals and hospitals under the Department of Veterans Affairs, Department of Defense and the Indian Health Service.

BILL SUMMARY

MINIMUM SAFE NURSE STAFFING STANDARDS: The Public Health Service Act would be amended to require that all hospitals develop and implement, as soon as practicable, but no later than 2 years after the enactment of the legislation (and two years later for rural hospitals), staffing plans that must meet newly established minimum direct care registered nurse-to-patient ratios, adjust staffing levels based on acuity of patients and other factors, and ensure quality care and patient safety.

- **Minimum direct care registered nurse-to-patient ratios** – A hospital would be required during each shift, except during a declared emergency, to assign a direct care registered nurse to no more than the following number of patients in designated units:

- 1 patient in an operating room and trauma emergency unit;
- 2 patients in all critical care units, intensive care, labor and delivery and postanesthesia units;
- 3 patients in antepartum, emergency, pediatrics, step-down and telemetry units;
- 4 patients in intermediate care nursery, medical/surgical and acute care psychiatric care units;
- 5 patients in rehabilitation units;
- 6 patients in postpartum (3 couplets) and well baby nursery units.

- The bill provides for the Secretary to establish registered nurse ratios in newly created units.
- States that have established requirements for nurse-to-patient ratios that further limit the number of patients that may be assigned to direct care registered nurses shall not be preempted .
- Based on the outcome of a required study, staffing requirements will be established for licensed practical nurses (or licensed vocational nurses) and will be required to be implemented in all hospitals as soon as practicable, but no later than 2 years after the enactment of the legislation. Once LPN staffing requirements are established, they will apply to protections and requirements in the legislation in the same way as the registered nurse ratios.

REQUIREMENTS FOR DEVELOPMENT OF STAFFING PLAN: In developing the staffing plan hospitals must:

- Involve direct care registered nurses and other direct care health care workers or their representatives in the development and the annual re-evaluation of their staffing plans.
- Meet minimum registered nurse ratios set forth in this bill.
- Meet any addition staffing requirements as provided by other law or regulation.
- Identify and employ an approved acuity system that will address fluctuations in actual patient acuity levels by providing for guidelines by which the hospital must increase staffing to meet nursing care requirements necessitated by patient need.
- Factor in an appropriate skill mix of other health care workers to ensure that staffing levels account for patient care needs that do not require a direct care registered nurse.
- Begin developing their staffing plans no later than 1 year after the enactment of the legislation.

POSTING REQUIREMENTS: Uniform notices stating the requirements of this bill including the actual direct care registered nurse-to-patient ratios for each unit must be posted in a visible, conspicuous and accessible location for both patients and direct care staff.

AUDITING OF STAFFING PLANS: All staffing plans will be audited no less than every two years in order to ensure the adequacy of implementation and accuracy in reporting.

REIMBURSEMENT: The bill allows for hospitals to receive additional Medicare and Medicaid reimbursement related to costs incurred related to compliance with this bill. Such reimbursement will be based on recommendations by Medicare Payment Advisory Commission (MedPAC). The bill requires that the MedPAC submit to Congress no later than 2 years after the enactment of the legislation, estimates of the costs and savings attributable to compliance by hospitals to this bill.

PROTECTIONS FOR EMPLOYEES: There is a need to protect nurses who report violations of this bill from recrimination and discrimination on the part of employers. Under this bill, a nurse has a right and obligation to refuse assignment if doing so

threatens the safety and health of a patient by violating the minimum ratios as set forth in this bill, or if they are not professionally prepared to fulfill their assignment. The bill also provides protections to any hospital employee who reports a violation of this Act. An employee will have the right to file a complaint against a hospital for violation of this Act and employees may bring a cause of action against a hospital for retaliating against an employee who has reported violations of this Act.

ENFORCEMENT: The bill provides for the Secretary to take appropriate corrective action, including civil monetary penalties and loss of funds, against a hospital for failure to comply with the nurse staffing plan requirements of this Act.

APPLICATION OF THIS ACT TO FEDERAL HOSPITALS – All federally-operated hospitals, such as those under the Department of Veterans Affairs, the Department of Defense and the Indian Health Service, are required to comply with provisions of this Act.