ASSEMBLY, No. 1531

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

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SYNOPSIS
Establishes minimum registered professional nurse staffing standards for hospitals and ambulatory surgery facilities and certain DHS facilities.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel

(Sponsorship Updated As Of: 5/19/2009)
AN ACT concerning nurse staffing standards in inpatient health care facilities and certain State facilities and supplementing Titles 26 and 30 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that:
   a. Because of recent changes in the health care delivery system, patients in general and special hospitals and ambulatory surgery facilities in the State, and in State developmental centers and psychiatric hospitals, generally have higher acuity levels than in the past;
   b. Recent studies demonstrate the link between adequate registered professional nurse staffing and improved mortality rates and quality of care among patients in health care facilities;
   c. Inadequate nurse staffing can result in dangerous medical errors, patient infections and increased injuries to patients and caregivers;
   d. Inadequate and poorly monitored nurse staffing practices jeopardize the delivery of health care services and adversely impact the health of patients;
   e. The establishment of staffing standards for registered professional nurses in hospitals, ambulatory surgery facilities and State developmental centers and psychiatric hospitals should not be construed as justifying understaffing with respect to other critical health care workers; safe staffing practices recognize the importance of all health care workers in providing quality patient care because the availability of these other health care workers enables registered professional nurses to focus on the nursing care functions that only these nurses, by law, are permitted to perform;
   f. Understaffing at hospitals, ambulatory surgery facilities and State developmental centers and psychiatric hospitals has been demonstrated to be an underlying cause of the current nursing shortage, since higher patient assignments create higher levels of job dissatisfaction, burnout and turnover rates among nurses.

2. a. In addition to staffing requirements provided by law or regulation on the effective date of this act, the Commissioner of Health and Senior Services shall adopt regulations that provide minimum direct care registered professional nurse-to-patient staffing ratios for all patient units in general and special hospitals and ambulatory surgery facilities in accordance with the requirements of this act. The regulations shall not decrease any nurse-to-patient staffing ratios in effect on the effective date of this act.
   b. The regulations adopted pursuant to this section shall, at a
minimum, provide for the following nurse-to-patient ratios:

1. one registered professional nurse for every six patients on a medical/surgical unit for the first year after the regulations are adopted, and one registered professional nurse for every five patients thereafter;

2. one registered professional nurse for every four patients in a step down, telemetry or intermediate care unit;

3. one registered professional nurse for every four patients in an emergency department, one registered professional nurse for every two patients in a critical care service of an emergency department and one registered professional nurse for every patient in a trauma service of an emergency department;

4. one registered professional nurse for every six patients in a behavioral health or psychiatric unit;

5. one registered professional nurse for every two patients in a critical care, intensive care, neonatal or burn unit;

6. one registered professional nurse for every patient under anesthesia in an operating room, and one registered professional nurse for every two post-anesthesia patients in a recovery room or post-anesthesia care unit;

7. one registered professional nurse for every two patients in a labor and delivery unit; one registered professional nurse for every four patients, including infants, in a postpartum unit in which the mother and infant share the same room; and one registered professional nurse for every six patients in a mothers-only unit; and

8. one registered professional nurse for every four patients in a pediatric or intermediate care nursery unit, and one registered professional nurse for every six patients in a well-baby nursery.

c. As used in this section and section 3 of this act, "direct care registered professional nurse" means a registered professional nurse who is assigned to provide care for one or more patients in a specific unit, service or department and is directly responsible for carrying out procedures, assessments or other nursing protocols.

3. The Commissioner of Health and Senior Services shall require all general and special hospitals and ambulatory surgery facilities to employ an acuity and staffing system, approved by the commissioner, for the purpose of increasing direct care registered professional nurse staffing levels above the minimum levels established in section 2 of this act, or otherwise provided by law or regulation, to ensure adequate staffing of each service, unit or department, as applicable.

The acuity and staffing system shall meet the following requirements:

a. The system shall be based on: patient classification or acuity; professional nurse staffing standards adopted by nurse specialty organizations; skill mix; and the staffing levels of other health care personnel and the use of agency or temporary staff.
b. The system shall be established in the facility by the department of nursing with a majority of the unit staff nurses' approval, or with the approval of the bargaining agent for registered professional nurses at the facility.

c. A hospital shall maintain a float pool of qualified registered professional nurses to accommodate changes in staffing needs.

d. A nurse who is assigned the duty of maintaining unit census for patients and staff or supervisory functions, or who spends a significant amount of time on non-nursing tasks, shall not be factored into the required staffing levels.

e. If the nurse assigned the duty of maintaining unit census for patients and staff determines that safe staffing practices are unsafe due to patient acuity, the hospital or ambulatory surgery facility shall provide for an appropriate number of registered professional nurses to assure safe staffing practices in the unit, service or department.

f. A registered professional nurse shall not be assigned to a unit, service or department, or considered in the count of nursing staff in a unit, service or department, unless that nurse has received prior orientation in the applicable clinical area and has demonstrated current competence in providing care in that unit, service or department.

4. A registered professional nurse, who believes that the hospital or facility in which the nurse is employed is in violation of the staffing requirements or the staffing and acuity system required pursuant to this act, may file a complaint with the Commissioner of Health and Senior Services. The complaint shall be filed in a form and manner determined by the commissioner. The commissioner shall conduct an investigation of the complaint to determine whether or not a hospital or facility is in violation and take such action as may be necessary to ensure compliance with the requirements of this act.

5. The Commissioner of Health and Senior Services shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt regulations, within 90 days of the effective date of this act, necessary to carry out the provisions of this act.

The commissioner shall hold a public hearing on the proposed regulations within 30 days of their publication in the New Jersey Register.

6. The Commissioner of Human Services shall conduct a review of Department of Human Services regulations concerning registered professional nurse staffing standards in developmental centers and State psychiatric hospitals, and shall revise the regulations, as appropriate, to reflect safe staffing practices and assure adequate
staffing at the facilities.

7. This act shall take effect on the first day of the 12th month after enactment, but the Commissioners of Health and Senior Services and Human Services may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

STATEMENT

This bill establishes staffing standards for registered professional nurses in hospitals, ambulatory surgery facilities and State developmental centers and psychiatric hospitals. Specifically, the bill provides that, in addition to staffing requirements provided by law or regulation, the Commissioner of Health and Senior Services shall adopt regulations that provide minimum direct care registered professional nurse-to-patient staffing ratios for all patient units in general and special hospitals and ambulatory surgery facilities. The regulations shall not decrease any nurse-to-patient staffing ratios in effect on the effective date of the bill, and shall, at a minimum, provide for the following nurse-to-patient ratios:

(1) one registered professional nurse for every six patients on a medical/surgical unit for the first year after the regulations are adopted, and one registered professional nurse for every five patients thereafter;

(2) one registered professional nurse for every four patients in a step down, telemetry or intermediate care unit;

(3) one registered professional nurse for every four patients in an emergency department, one registered professional nurse for every two patients in a critical care service of an emergency department and one registered professional nurse for every patient in a trauma service of an emergency department;

(4) one registered professional nurse for every six patients in a behavioral health or psychiatric unit;

(5) one registered professional nurse for every two patients in a critical care, intensive care, neonatal or burn unit;

(6) one registered professional nurse for every patient under anesthesia in an operating room, and one registered professional nurse for every two post-anesthesia patients in a recovery room or post-anesthesia care unit;

(7) one registered professional nurse for every two patients in a labor and delivery unit; one registered professional nurse for every four patients, including infants, in a postpartum unit in which the mother and infant share the same room; and one registered professional nurse for every six patients in a mothers-only unit; and

(8) one registered professional nurse for every four patients in a
The bill also provides that the Commissioner of Health and Senior Services shall require all general and special hospitals and ambulatory surgery facilities to employ an acuity and staffing system, approved by the commissioner, for the purpose of increasing direct care registered professional nurse staffing levels above the minimum levels established in the bill, or otherwise provided by law or regulation, to ensure adequate staffing of each service, unit or department, as applicable. The acuity and staffing system shall meet the following requirements:

1. the system shall be based on: patient classification or acuity;
2. professional nurse staffing standards adopted by nurse specialty organizations; skill mix; and the staffing levels of other health care personnel and the use of agency or temporary staff;
3. the system shall be established in the facility by the department of nursing with a majority of the unit staff nurses' approval, or with the approval of the bargaining agent for registered professional nurses at the facility;
4. a hospital shall maintain a float pool of qualified registered professional nurses to accommodate changes in staffing needs;
5. a nurse who is assigned the duty of maintaining unit census for patients and staff or supervisory functions, or who spends a significant amount of time on non-nursing tasks, shall not be factored into the required staffing levels;
6. if the nurse assigned the duty of maintaining unit census for patients and staff determines that safe staffing practices are unsafe due to patient acuity, the hospital or ambulatory surgery facility shall provide for an appropriate number of registered professional nurses to assure safe staffing practices in the unit, service or department; and
7. a registered professional nurse shall not be assigned to a unit, service or department, or considered in the count of nursing staff in a unit, service or department, unless that nurse has received prior orientation in the applicable clinical area and has demonstrated current competence in providing care in that unit, service or department.

The bill provides that a registered professional nurse, who believes that the hospital or facility in which the nurse is employed is in violation of the staffing requirements or the staffing and acuity system required pursuant to this bill, may file a complaint with the Commissioner of Health and Senior Services. The complaint shall be filed in a form and manner determined by the commissioner. The commissioner is required to conduct an investigation of the complaint to determine whether or not a hospital or facility is in violation and to take such action as may be necessary to ensure compliance with the requirements of the bill.

With respect to State developmental centers and State psychiatric
hospitals, the bill requires the Commissioner of Human Services to conduct a review of Department of Human Services regulations concerning registered professional nurse staffing standards in developmental centers and State psychiatric hospitals, and revise the regulations, as appropriate, to reflect safe staffing practices and assure adequate staffing at the facilities.