

SENATE, No. 1233

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 21, 2008

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Gordon and Van Drew

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2008)

1 AN ACT concerning nurse staffing standards in inpatient health care
2 facilities and certain State facilities and supplementing Titles 26
3 and 30 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that:

9 a. Because of recent changes in the health care delivery system,
10 patients in general and special hospitals and ambulatory surgery
11 facilities in the State, and in State developmental centers and
12 psychiatric hospitals, generally have higher acuity levels than in the
13 past;

14 b. Recent studies demonstrate the link between adequate
15 registered professional nurse staffing and improved mortality rates
16 and quality of care among patients in health care facilities;

17 c. Inadequate nurse staffing can result in dangerous medical
18 errors, patient infections and increased injuries to patients and
19 caregivers;

20 d. Inadequate and poorly monitored nurse staffing practices
21 jeopardize the delivery of health care services and adversely impact
22 the health of patients;

23 e. The establishment of staffing standards for registered
24 professional nurses in hospitals, ambulatory surgery facilities and
25 State developmental centers and psychiatric hospitals should not be
26 construed as justifying understaffing with respect to other critical
27 health care workers; safe staffing practices recognize the
28 importance of all health care workers in providing quality patient
29 care because the availability of these other health care workers
30 enables registered professional nurses to focus on the nursing care
31 functions that only these nurses, by law, are permitted to perform;
32 and

33 f. Understaffing at hospitals, ambulatory surgery facilities and
34 State developmental centers and psychiatric hospitals has been
35 demonstrated to be an underlying cause of the current nursing
36 shortage, since higher patient assignments create higher levels of
37 job dissatisfaction, burnout and turnover rates among nurses.

38
39 2. a. In addition to staffing requirements provided by law or
40 regulation on the effective date of this act, the Commissioner of
41 Health and Senior Services shall adopt regulations that provide
42 minimum direct care registered professional nurse-to-patient
43 staffing ratios for all patient units in general and special hospitals
44 and ambulatory surgery facilities in accordance with the
45 requirements of this act. The regulations shall not decrease any
46 nurse-to-patient staffing ratios in effect on the effective date of this
47 act.

48 b. The regulations adopted pursuant to this section shall, at a

1 minimum, provide for the following nurse-to-patient ratios:

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

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

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

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

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

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

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

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

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

34

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

43 The acuity and staffing system shall meet the following
44 requirements:

45 a. The system shall be based on: patient classification or acuity;
46 professional nurse staffing standards adopted by nurse specialty
47 organizations; skill mix; and the staffing levels of other health care
48 personnel and the use of agency or temporary staff.

1 b. The system shall be established in the facility by the
2 department of nursing with a majority of the unit staff nurses'
3 approval, or with the approval of the bargaining agent for registered
4 professional nurses at the facility.

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

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

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

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

23

24 4. A registered professional nurse, who believes that the hospital
25 or facility in which the nurse is employed is in violation of the
26 staffing requirements or the staffing and acuity system required
27 pursuant to this act, may file a complaint with the Commissioner of
28 Health and Senior Services. The complaint shall be filed in a form
29 and manner determined by the commissioner.

30 The commissioner shall conduct an investigation of the
31 complaint to determine whether or not a hospital or facility is in
32 violation and take such action as may be necessary to ensure
33 compliance with the requirements of this act.

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

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

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

1 staffing at the facilities.

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

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10 STATEMENT

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12 This bill establishes staffing standards for registered professional
13 nurses in hospitals, ambulatory surgery facilities and State
14 developmental centers and psychiatric hospitals.

15 Specifically, the bill provides that, in addition to staffing
16 requirements provided by law or regulation, the Commissioner of
17 Health and Senior Services shall adopt regulations that provide
18 minimum direct care registered professional nurse-to-patient
19 staffing ratios for all patient units in general and special hospitals
20 and ambulatory surgery facilities. The regulations shall not decrease
21 any nurse-to-patient staffing ratios in effect on the effective date of
22 the bill, and shall, at a minimum, provide for the following nurse-
23 to-patient ratios:

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

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

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

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

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

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

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

48 (8) one registered professional nurse for every four patients in a

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

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

12 (1) the system shall be based on: patient classification or acuity;
13 professional nurse staffing standards adopted by nurse specialty
14 organizations; skill mix; and the staffing levels of other health care
15 personnel and the use of agency or temporary staff;

16 (2) the system shall be established in the facility by the
17 department of nursing with a majority of the unit staff nurses'
18 approval, or with the approval of the bargaining agent for registered
19 professional nurses at the facility;

20 (3) a hospital shall maintain a float pool of qualified registered
21 professional nurses to accommodate changes in staffing needs;

22 (4) a nurse who is assigned the duty of maintaining unit census
23 for patients and staff or supervisory functions, or who spends a
24 significant amount of time on non-nursing tasks, shall not be
25 factored into the required staffing levels;

26 (5) if the nurse assigned the duty of maintaining unit census for
27 patients and staff determines that safe staffing practices are unsafe
28 due to patient acuity, the hospital or ambulatory surgery facility
29 shall provide for an appropriate number of registered professional
30 nurses to assure safe staffing practices in the unit, service or
31 department; and

32 (6) a registered professional nurse shall not be assigned to a
33 unit, service or department, or considered in the count of nursing
34 staff in a unit, service or department, unless that nurse has received
35 prior orientation in the applicable clinical area and has
36 demonstrated current competence in providing care in that unit,
37 service or department.

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

48 With respect to State developmental centers and State psychiatric

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