

SENATE, No. 2523

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 15, 2003

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator JOHN O. BENNETT

District 12 (Mercer and Monmouth)

Co-Sponsored by:

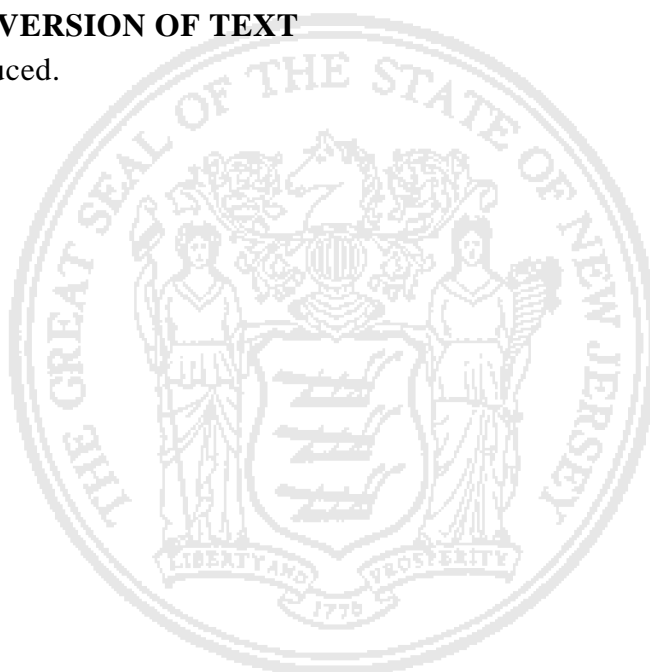
Senators Geist, Turner and Coniglio

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: 11/25/2003)

1 AN ACT concerning nurse staffing standards in inpatient health care
2 facilities and certain State facilities and supplementing Titles 26 and
3 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 registered
15 professional nurse staffing and improved mortality rates and quality of
16 care among patients in health care facilities;

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

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

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

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

36
37 2. a. In addition to staffing requirements provided by law or
38 regulation on the effective date of this act, the Commissioner of Health
39 and Senior Services shall adopt regulations that provide minimum
40 direct care registered professional nurse-to-patient staffing ratios for
41 all patient units in general and special hospitals and ambulatory surgery
42 facilities in accordance with the requirements of this act. The
43 regulations shall not decrease any nurse-to-patient staffing ratios in
44 effect on the effective date of this act.

45 b. The regulations adopted pursuant to this section shall, at a
46 minimum, provide for the following nurse-to-patient ratios:

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

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

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

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

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

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

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

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

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

33

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

41 The acuity and staffing system shall meet the following
42 requirements:

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

1 b. The system shall be established in the facility by the department
2 of nursing with a majority of the unit staff nurses' approval, or with the
3 approval of the bargaining agent for registered professional nurses at
4 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 for
8 patients and staff or supervisory functions, or who spends a significant
9 amount of time on non-nursing tasks, shall not be factored into the
10 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 due
13 to patient acuity, the hospital or ambulatory surgery facility shall
14 provide for an appropriate number of registered professional nurses to
15 assure safe staffing practices in the unit, service or department.

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

21
22 4. A registered professional nurse, who believes that the hospital
23 or facility in which the nurse is employed is in violation of the staffing
24 requirements or the staffing and acuity system required pursuant to
25 this act, may file a complaint with the Commissioner of Health and
26 Senior Services. The complaint shall be filed in a form and manner
27 determined by the commissioner.

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

32
33 5. The Commissioner of Health and Senior Services shall, pursuant
34 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
35 et seq.), adopt regulations, within 90 days of the effective date of this
36 act, necessary to carry out the provisions of this act.

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

40
41 6. The Commissioner of Human Services shall conduct a review of
42 Department of Human Services regulations concerning registered
43 professional nurse staffing standards in developmental centers and
44 State psychiatric hospitals, and shall revise the regulations, as
45 appropriate, to reflect safe staffing practices and assure adequate
46 staffing at the facilities.

1 professional nurse for every six patients in a well-baby nursery.

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

9 The acuity and staffing system shall meet the following requirements:

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

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

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

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

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

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

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

44 With respect to State developmental centers and State psychiatric
45 hospitals, the bill requires the Commissioner of Human Services to
46 conduct a review of Department of Human Services regulations

S2523 VITALE, BENNETT

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- 1 concerning registered professional nurse staffing standards in
- 2 developmental centers and State psychiatric hospitals, and revise the
- 3 regulations, as appropriate, to reflect safe staffing practices and assure
- 4 adequate staffing at the facilities.