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SYNOPSIS
Requires DOH to establish minimum nurse-to-patient staffing ratios for hospitals.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 9/12/2014)
AN ACT concerning hospital staffing, and supplementing Title 26 of the Revised Statutes.

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

1. a. A hospital operating in the State shall ensure that the staffing of each active hospital unit is undertaken in compliance with minimum nurse-to-patient ratios established by the Commissioner of Health in accordance with this section.

b. Within 180 days after the date of enactment of this act, and in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Health shall adopt rules and regulations to establish minimum, specific, and numeric nurse-to-patient ratios, by hospital unit, for all hospitals operating in the State. Minimum nurse-to-patient ratios imposed under this subsection may differ by hospital unit or by licensed nurse classification, as determined by the commissioner to be appropriate, but no hospital unit shall be exempted from compliance with minimum staffing requirements.

c. In establishing minimum nurse-to-patient ratios pursuant to this section, the commissioner shall consider, for each type of hospital unit, such factors as the average severity of patient illness; the need for specialized medical knowledge or levels of care; the number of patients in the hospital unit and the frequency of patient turnover; the complexity of clinical judgment needed to design, implement, and evaluate the patient care plan; the ability for patient self-care; and the licensure of personnel required for care.

d. In establishing minimum nurse-to-patient ratios pursuant to this section, the commissioner shall ensure that adequate flexibility is granted to: (1) hospitals in rural communities, in order to respond to their special needs; and (2) teaching hospitals, in order to address their unique status as educational institutions. The commissioner shall consult with the Board of Nursing in establishing minimum nurse-to-patient ratios for teaching hospitals, in order to ensure that minimum staffing standards are consistent with approved nursing education and clinical experience requirements.

e. Any nurse-to-patient ratio established by the commissioner for hospital emergency departments shall distinguish between regularly scheduled core staff licensed nurses and additional licensed nurses who are required to care for critical care patients.

f. The nurse-to-patient ratios established pursuant to this section shall represent the minimum number of licensed nurses that must be allocated to a particular hospital unit at all times during the hospital’s operation. Hospital administrators shall be required to allocate additional nursing staff to a hospital unit, above and beyond the established minimum, when such additional allocation is
determined thereby to be appropriate and necessary for the improvement or proper facilitation of patient care. Nothing in this section shall be understood to prohibit a hospital from increasing nurse staffing levels, at any time, beyond the established minimum.

g. The Department of Health shall undertake a biennial review of the rules and regulations adopted pursuant to this section, and shall take appropriate action, in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to revise and update the established nurse-to-patient ratios if such revision is determined to be necessary to ensure that staffing requirements accurately reflect the realities of hospital nursing care and continue to provide for sufficient minimum nursing coverage in hospital settings.

h. As used in this section:

“Hospital” means any health care facility that the Department of Health has licensed and classified as a hospital pursuant to the provisions of P.L.1971, c.136 (C.26:2H-1 et seq.) and the rules and regulations adopted in accordance therewith.

“Hospital unit” means a consolidated area or unit of a hospital where care is provided to a particularized subset of patients, and includes, but need not be limited to, a hospital’s critical care unit, burn unit, labor and delivery room, post-anesthesia service area, emergency department, operating room, pediatric unit, step-down/intermediate care unit, specialty care unit, telemetry unit, general medical care unit, sub-acute care unit, and transitional inpatient care unit.

2. This act shall take effect immediately.

STATEMENT

This bill would require the Commissioner of Health to establish minimum nurse-to-patient ratios for all hospitals operating in the State, by hospital unit, with which each hospital would be required to comply. A “hospital unit” is defined by the bill to mean a consolidated area or unit of a hospital where care is provided to a particularized subset of patients, and which includes, but need not be limited to, a hospital’s critical care unit, burn unit, labor and delivery room, post-anesthesia service area, emergency department, operating room, pediatric unit, step-down/intermediate care unit, specialty care unit, telemetry unit, general medical care unit, sub-acute care unit, and transitional inpatient care unit.

The commissioner would be authorized to impose minimum staffing requirements that differ by hospital unit or by licensed nurse classification, as determined to be appropriate. However, the commissioner would be prohibited from exempting any particular hospital unit from compliance with minimum staffing requirements.
The commissioner would further be required to ensure that adequate flexibility is granted to: (1) hospitals in rural communities, in order to respond to their special needs; and (2) teaching hospitals, in order to address their unique status as educational institutions. Specifically, the commissioner would be required to consult with the Board of Nursing in establishing minimum nurse-to-patient ratios for teaching hospitals, so as to ensure that minimum staffing standards are consistent with approved nursing education and clinical experience requirements.

The nurse-to-patient ratios established by the commissioner would represent the minimum number of licensed nurses that must be allocated to a particular hospital unit at all times during the hospital’s operation, and hospital administrators would be required to allocate additional nursing staff to a hospital unit, above and beyond the established minimum, when such additional allocation is determined to be appropriate and necessary for the improvement or proper facilitation of patient care.

Every two years, the Department of Health would be required to review the minimum staffing requirements established pursuant to the bill’s provisions, and revise and update the established ratios if such revision is determined to be necessary to ensure that staffing requirements accurately reflect the realities of hospital nursing care and continue to provide for sufficient minimum nursing coverage in hospital settings.