S T A T E O F N E W Y O R K

936

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to directing the department of health to promulgate rules establishing staffing standards for certain health care facilities, and providing methods for demonstrating compliance with such rules

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 2806-a to read as follows:

S 2806-A. STAFFING STANDARDS. 1. AS USED IN THIS SECTION, THE TERM "HOSPITAL" SHALL HAVE THE SAME MEANING AS DEFINED IN SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS ARTICLE.

2. THE DEPARTMENT SHALL PROMULGATE NECESSARY RULES AND REGULATIONS TO ESTABLISH STAFFING STANDARDS FOR HOSPITALS. SUCH RULES AND REGULATIONS SHALL BE DESIGNED TO ENSURE THAT THE CLASSIFICATIONS, SKILLS, EXPERIENCE AND NUMBERS OF HEALTH CARE PROFESSIONALS PROVIDING DIRECT PATIENT CARE ARE SUFFICIENT TO MEET THE NEEDS OF HOSPITAL PATIENTS. SUCH RULES AND REGULATIONS SHALL REQUIRE THAT EACH HOSPITAL:

(A) UTILIZES A STAFFING SYSTEM WHICH PROVIDES A SUFFICIENT NUMBER OF QUALIFIED STAFF TO MEET THE NEEDS OF HOSPITAL PATIENTS AS DETERMINED BY A REGISTERED NURSE OR PHYSICIAN DIRECTLY INVOLVED IN PATIENT CARE.

(B) MAINTAINS AN INTERNAL REVIEW MECHANISM THAT ENSURES COMPLIANCE WITH THE STAFFING SYSTEM; PROVIDES FOR THE REVIEW OF INCIDENTS AND STAFF CONCERNS; AND TRACKS STAFFING PATTERNS, NUMBER OF PATIENTS AND THEIR DETERMINED NEEDS.

3. BEGINNING NO LATER THAN TWELVE MONTHS FOLLOWING DISTRIBUTION TO HOSPITALS OF THE RULES AND REGULATIONS PROMULGATED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, AS A CONDITION OF CONTINUING OR OBTAINING ITS OPERATING CERTIFICATE, EACH HOSPITAL SHALL ANNUALLY FILE WITH THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD04373-01-1

DEPARTMENT, AND MAKE AVAILABLE TO THE PUBLIC, A STATEMENT OF COMPLIANCE WITH SUCH RULES AND REGULATIONS. THE STATEMENT SHALL BE FILED IN THE FORM AND MANNER AS DETERMINED BY THE DEPARTMENT.

4. BEGINNING NO LATER THAN SIX MONTHS FOLLOWING DISTRIBUTION TO HOSPITALS OF THE RULES AND REGULATIONS PROMULGATED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, EACH HOSPITAL SHALL DAILY POST, IN A PROMINENT PLACE, A REPORT OF THE STAFFING LEVELS IN EACH PATIENT CARE UNIT FOR THAT DAY.

5. THE FAILURE OF A HOSPITAL TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, OR ANY RULE OR REGULATION PROMULGATED PURSUANT THERETO, SHALL BE DEEMED A VIOLATION AND SHALL SUBJECT SUCH HOSPITAL TO THE PENALTIES AND INJUNCTIONS SET FORTH IN SECTION TWELVE OF THIS CHAPTER. EACH INSTANCE IN WHICH THE STAFFING LEVELS OF ANY SHIFT OF ANY UNIT OF A HOSPITAL FAIL TO MEET THE REQUIREMENTS ESTABLISHED PURSUANT TO THIS SECTION SHALL CONSTITUTE A SEPARATE VIOLATION OF THIS SECTION.

S 2. This act shall take effect immediately.