

1752

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. GOTTFRIED, JACOBS, CHRISTENSEN, CLARK, GALEF, EDDINGTON, GUNTHER, HOYT, PRETLOW, MAYERSOHN, WRIGHT, BOYLAND, FIELDS, PHEFFER, ESPAILLAT, KAVANAGH, ROSENTHAL, PEOPLES, PERRY -- Multi-Sponsored by -- M. of A. AUBRY, BENJAMIN, BING, BRENNAN, CAHILL, CARROZZA, COLTON, CYMBROWITZ, DESTITO, DIAZ, DINOWITZ, ENGLEBRIGHT, GLICK, HEASTIE, HOOPER, JAFFEE, JOHN, LENTOL, LIFTON, V. LOPEZ, LUPARDO, McENENY, MILLMAN, ORTIZ, PAULIN, REILLY, P. RIVERA, SCARBOROUGH, SWEENEY, TOWNS, WEISENBERG, WEPRIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to disclosure of nursing quality indicators

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

1 Section 1. This act shall be known and may be cited as the "Nursing
2 Care Quality Protection Act".
3 S 2. The public health law is amended by adding a new section 2805-t
4 to read as follows:
5 S 2805-T. DISCLOSURE OF NURSING QUALITY INDICATORS. 1. EVERY FACILITY
6 WITH AN OPERATING CERTIFICATE PURSUANT TO THE REQUIREMENTS OF THIS ARTI-
7 CLE SHALL MAKE AVAILABLE TO THE PUBLIC INFORMATION REGARDING NURSE
8 STAFFING AND PATIENT OUTCOMES AS SPECIFIED BY THE COMMISSIONER BY RULE
9 AND REGULATION. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS
10 ON THE DISCLOSURE OF NURSING QUALITY INDICATORS PROVIDING FOR THE
11 DISCLOSURE OF INFORMATION INCLUDING AT LEAST THE FOLLOWING, AS APPROPRI-
12 ATE TO THE REPORTING FACILITY:
13 (A) THE NUMBER OF REGISTERED NURSES PROVIDING DIRECT CARE AND THE
14 RATIO OF PATIENTS PER REGISTERED NURSE (FULL-TIME EQUIVALENT) PROVIDING
15 DIRECT CARE. THIS INFORMATION SHALL BE EXPRESSED IN ACTUAL NUMBERS, IN
16 TERMS OF TOTAL HOURS OF NURSING CARE PER PATIENT (INCLUDING ADJUSTMENT
17 FOR CASE MIX AND ACUITY), AND AS A PERCENTAGE OF PATIENT CARE STAFF, AND

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

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1 SHALL BE BROKEN DOWN IN TERMS OF THE TOTAL PATIENT CARE STAFF, EACH
2 UNIT, AND EACH SHIFT.

3 (B) THE NUMBER OF LICENSED PRACTICAL NURSES PROVIDING DIRECT CARE.
4 THIS INFORMATION SHALL BE EXPRESSED IN ACTUAL NUMBERS, IN TERMS OF TOTAL
5 HOURS OF NURSING CARE PER PATIENT (INCLUDING ADJUSTMENT FOR CASE MIX AND
6 ACUITY), AND AS A PERCENTAGE OF PATIENT CARE STAFF, AND SHALL BE BROKEN
7 DOWN IN TERMS OF THE TOTAL PATIENT CARE STAFF, EACH UNIT, AND EACH
8 SHIFT.

9 (C) THE NUMBER OF UNLICENSED PERSONNEL UTILIZED TO PROVIDE DIRECT
10 PATIENT CARE (INCLUDING ADJUSTMENT FOR CASE MIX AND ACUITY). THIS INFOR-
11 MATION SHALL BE EXPRESSED BOTH IN ACTUAL NUMBERS AND AS A PERCENTAGE OF
12 PATIENT CARE STAFF AND SHALL BE BROKEN DOWN IN TERMS OF THE TOTAL
13 PATIENT CARE STAFF, EACH UNIT, AND EACH SHIFT.

14 (D) INCIDENCE OF ADVERSE PATIENT CARE, INCLUDING INCIDENTS SUCH AS
15 MEDICATION ERRORS, PATIENT INJURY, DECUBITUS ULCERS, NOSOCOMIAL
16 INFECTIONS, AND NOSOCOMIAL URINARY TRACT INFECTIONS.

17 (E) METHODS USED FOR DETERMINING AND ADJUSTING STAFFING LEVELS AND
18 PATIENT CARE NEEDS AND THE FACILITY'S COMPLIANCE WITH THESE METHODS.

19 (F) DATA REGARDING COMPLAINTS FILED WITH ANY STATE OR FEDERAL REGULA-
20 TORY AGENCY, OR AN ACCREDITING AGENCY, AND DATA REGARDING INVESTIGATIONS
21 AND FINDINGS AS A RESULT OF THOSE COMPLAINTS, DEGREE OF COMPLIANCE WITH
22 ACCEPTABLE STANDARDS, AND THE FINDINGS OF SCHEDULED INSPECTION VISITS.

23 2. SUCH INFORMATION SHALL BE PROVIDED TO THE COMMISSIONER OF ANY STATE
24 AGENCY RESPONSIBLE FOR LICENSING OR ACCREDITING THE FACILITY, OR RESPON-
25 SIBLE FOR OVERSEEING THE DELIVERY OF SERVICES EITHER DIRECTLY OR INDI-
26 RECTLY AND TO ANY MEMBER OF THE PUBLIC WHO REQUESTS SUCH INFORMATION
27 DIRECTLY FROM THE FACILITY. WRITTEN STATEMENTS CONTAINING SUCH INFORMA-
28 TION SHALL STATE THE SOURCE AND DATE THEREOF.

29 S 3. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law; provided, however that effective immediate-
31 ly, the addition, amendment and repeal of any rule or regulation neces-
32 sary for the implementation of this act on its effective date are
33 authorized and directed to be made and completed on or before such
34 effective date.