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

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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, COLTON, SCHIMEL -- Multi-Sponsored by -- M. of A. AUBRY, BENJAMIN, BING, BRENNAN, CAHILL, CARROZZA, 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 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

Section 1. This act shall be known and may be cited as the "Nursing Care Quality Protection Act".

S 2. The public health law is amended by adding a new section 2805-t to read as follows:

S 2805-T. DISCLOSURE OF NURSING QUALITY INDICATORS. 1. EVERY FACILITY WITH AN OPERATING CERTIFICATE PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE SHALL MAKE AVAILABLE TO THE PUBLIC INFORMATION REGARDING NURSE STAFFING AND PATIENT OUTCOMES AS SPECIFIED BY THE COMMISSIONER BY RULE AND REGULATION. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS ON THE DISCLOSURE OF NURSING QUALITY INDICATORS PROVIDING FOR THE DISCLOSURE OF INFORMATION INCLUDING AT LEAST THE FOLLOWING, AS APPROPRIATE TO THE REPORTING FACILITY:

(A) THE NUMBER OF REGISTERED NURSES PROVIDING DIRECT CARE AND THE RATIO OF PATIENTS PER REGISTERED NURSE, FULL-TIME EQUIVALENT, PROVIDING DIRECT CARE. THIS INFORMATION SHALL BE EXPRESSED IN ACTUAL NUMBERS, IN TERMS OF TOTAL HOURS OF NURSING CARE PER PATIENT, INCLUDING ADJUSTMENT

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

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FOR CASE MIX AND ACUITY, AND AS A PERCENTAGE OF PATIENT CARE STAFF, AND SHALL BE BROKEN DOWN IN TERMS OF THE TOTAL PATIENT CARE STAFF, EACH UNIT, AND EACH SHIFT.

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

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

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

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

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

2. SUCH INFORMATION SHALL BE PROVIDED TO THE COMMISSIONER OF ANY STATE AGENCY RESPONSIBLE FOR LICENSING OR ACCREDITING THE FACILITY, OR RESPONSIBLE FOR OVERSEEING THE DELIVERY OF SERVICES EITHER DIRECTLY OR INDIRECTLY AND TO ANY MEMBER OF THE PUBLIC WHO REQUESTS SUCH INFORMATION DIRECTLY FROM THE FACILITY. WRITTEN STATEMENTS CONTAINING SUCH INFORMATION SHALL STATE THE SOURCE AND DATE THEREOF.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that effective immediately, the addition, amendment and repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.