

565

2009-2010 Regular Sessions

I N S E N A T E

January 9, 2009

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 stand-
ards 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 2806-a to read as follows:
3 S 2806-A. STAFFING STANDARDS. 1. AS USED IN THIS SECTION, THE TERM
4 "HOSPITAL" SHALL HAVE THE SAME MEANING AS DEFINED IN SUBDIVISION ONE OF
5 SECTION TWENTY-EIGHT HUNDRED ONE OF THIS ARTICLE.
6 2. THE DEPARTMENT SHALL PROMULGATE NECESSARY RULES AND REGULATIONS TO
7 ESTABLISH STAFFING STANDARDS FOR HOSPITALS. SUCH RULES AND REGULATIONS
8 SHALL BE DESIGNED TO ENSURE THAT THE CLASSIFICATIONS, SKILLS, EXPERIENCE
9 AND NUMBERS OF HEALTH CARE PROFESSIONALS PROVIDING DIRECT PATIENT CARE
10 ARE SUFFICIENT TO MEET THE NEEDS OF HOSPITAL PATIENTS. SUCH RULES AND
11 REGULATIONS SHALL REQUIRE THAT EACH HOSPITAL:
12 (A) UTILIZES A STAFFING SYSTEM WHICH PROVIDES A SUFFICIENT NUMBER OF
13 QUALIFIED STAFF TO MEET THE NEEDS OF HOSPITAL PATIENTS AS DETERMINED BY
14 A REGISTERED NURSE OR PHYSICIAN DIRECTLY INVOLVED IN PATIENT CARE.
15 (B) MAINTAINS AN INTERNAL REVIEW MECHANISM THAT ENSURES COMPLIANCE
16 WITH THE STAFFING SYSTEM; PROVIDES FOR THE REVIEW OF INCIDENTS AND STAFF
17 CONCERNS; AND TRACKS STAFFING PATTERNS, NUMBER OF PATIENTS AND THEIR
18 DETERMINED NEEDS.
19 3. BEGINNING NO LATER THAN TWELVE MONTHS FOLLOWING DISTRIBUTION TO
20 HOSPITALS OF THE RULES AND REGULATIONS PROMULGATED PURSUANT TO SUBDIVI-
21 SION TWO OF THIS SECTION, AS A CONDITION OF CONTINUING OR OBTAINING ITS
22 OPERATING CERTIFICATE, EACH HOSPITAL SHALL ANNUALLY FILE WITH THE
23 DEPARTMENT, AND MAKE AVAILABLE TO THE PUBLIC, A STATEMENT OF COMPLIANCE

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

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1 WITH SUCH RULES AND REGULATIONS. THE STATEMENT SHALL BE FILED IN THE
2 FORM AND MANNER AS DETERMINED BY THE DEPARTMENT.

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

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

15 S 2. This act shall take effect immediately.