

# STATE OF NEW YORK

1168--A

2021-2022 Regular Sessions

## IN SENATE

January 7, 2021

Introduced by Sens. RIVERA, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BOYLE, BRESLIN, BRISPORT, BROOKS, BROUK, COMRIE, GAUGHRAN, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LIU, MANNION, MATTERA, MAY, MAYER, MYRIE, PARKER, RAMOS, REICHLIN-MELNICK, RYAN, SALAZAR, SANDERS, SEPULVEDA, SERINO, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing clinical staffing committees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 2805-t of the public health law, as added by chapter 422 of the laws of 2009, is amended to read as follows:

§ 2805-t. [~~Disclosure~~] Clinical staffing committees and disclosure of nursing quality indicators. 1. *Legislative intent. The legislature hereby finds and declares:*

(a) Research demonstrates that nurses play a critical role in improving patient safety and quality of care;

(b) Appropriate staffing of general hospital personnel, including registered nurses available for patient care, assists in reducing errors, complications and adverse patient care events, improves staff safety and satisfaction, and reduces incidences of workplace injuries;

(c) Health care professional, technical, and support staff comprise vital components of the patient care team, bringing their particular skills and services to ensuring quality patient care;

(d) Ensuring sufficient staffing of general hospital personnel, including registered nurses, is an urgent public policy priority in order to protect patients and support greater retention of registered nurses and safer working conditions; and

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

LBD02466-13-1

1 (e) It is the public policy of the state to promote evidence-based  
2 nurse staffing standards and increase transparency of health care data  
3 and decision making based on the data.

4 2. Clinical staffing committee. (a) Each general hospital licensed  
5 pursuant to this article shall establish and maintain a clinical staff-  
6 ing committee, either by creating a new committee or assigning the func-  
7 tions of the clinical staffing committee to an existing committee, no  
8 later than January first, two thousand twenty-two.

9 (b) Where a collective bargaining agreement provides for a staffing  
10 committee, the required functions of the clinical staffing committee  
11 established pursuant to this section shall be incorporated into that  
12 committee. Any staffing or non-staffing committees established by a  
13 collective bargaining agreement, shall continue to function in accord-  
14 ance with the terms of the agreement, and the clinical staffing commit-  
15 tee established by this section shall not limit or otherwise supplant  
16 the collective bargaining agreement.

17 (c) At least one-half of the members of the clinical staffing commit-  
18 tee shall be registered nurses, licensed practical nurses, and ancillary  
19 members of the frontline team currently providing or supporting direct  
20 patient care and up to one-half of the members shall be selected by the  
21 general hospital administration and shall include but not be limited to  
22 the chief financial officer, the chief nursing officer, and patient care  
23 unit directors or managers or their designees. The selection of the  
24 registered nurses, licensed practical nurses, and ancillary frontline  
25 team members of the committee shall be according to their respective  
26 collective bargaining agreements if there is one in effect at the gener-  
27 al hospital for their bargaining unit. If there is no applicable collec-  
28 tive bargaining agreement, the members of the clinical staffing commit-  
29 tee who are registered nurses, licensed practical nurses, and ancillary  
30 members providing direct patient care shall be selected by their peers.  
31 Ancillary members of the frontline team on the committee shall include  
32 but are not limited to patient care technicians, certified nursing  
33 assistants, other non-licensed staff assisting with nursing or clerical  
34 tasks, and unit clerks.

35 3. Employee participation. Participation in the clinical staffing  
36 committee by a general hospital employee shall be on scheduled work time  
37 and compensated at the appropriate rate of pay. Clinical staffing  
38 committee members shall be fully relieved of all other work duties  
39 during meetings of the committee and shall not have work duties added or  
40 displaced to other times as a result of their committee responsibil-  
41 ities.

42 4. Primary responsibilities. Primary responsibilities of the clinical  
43 staffing committee shall include the following functions:

44 (a) Development and oversight of implementation of an annual clinical  
45 staffing plan. The clinical staffing plan shall include specific staff-  
46 ing for each patient care unit and work shift and shall be based on the  
47 needs of patients. Staffing plans shall include specific guidelines or  
48 ratios, matrices, or grids indicating how many patients are assigned to  
49 each registered nurse and the number of nurses and ancillary staff to be  
50 present on each unit and shift and shall be used as the primary compo-  
51 nent of the general hospital staffing budget.

52 (b) Factors to be considered and incorporated in the development of  
53 the plan shall include, but are not limited to:

54 (i) Census, including total numbers of patients on the unit on each  
55 shift and activity such as patient discharges, admissions, and trans-  
56 fers;

1 (ii) Measures of acuity and intensity of all patients and nature of  
2 the care to be delivered on each unit and shift;

3 (iii) Skill mix;

4 (iv) The availability, level of experience, and specialty certifi-  
5 cation or training of nursing personnel providing patient care, includ-  
6 ing charge nurses, on each unit and shift;

7 (v) The need for specialized or intensive equipment;

8 (vi) The architecture and geography of the patient care unit, includ-  
9 ing but not limited to placement of patient rooms, treatment areas,  
10 nursing stations, medication preparation areas, and equipment;

11 (vii) Mechanisms and procedures to provide for one-to-one patient  
12 observation, when needed, for patients on psychiatric or other units as  
13 appropriate;

14 (viii) Other special characteristics of the unit or community patient  
15 population, including age, cultural and linguistic diversity and needs,  
16 functional ability, communication skills, and other relevant social or  
17 socio-economic factors;

18 (ix) Measures to increase worker and patient safety, which could  
19 include measures to improve patient throughput;

20 (x) Staffing guidelines adopted or published by other states or local  
21 jurisdictions, national nursing professional associations, specialty  
22 nursing organizations, and other health professional organizations;

23 (xi) Availability of other personnel supporting nursing services on  
24 the unit;

25 (xii) Waiver of plan requirements in the case of unforeseeable emer-  
26 gency circumstances as defined in subdivision fourteen of this section;

27 (xiii) Coverage to enable registered nurses, licensed practical nurs-  
28 es, and ancillary staff to take meal and rest breaks, planned time off,  
29 and unplanned absences that are reasonably foreseeable as required by  
30 law or the terms of an applicable collective bargaining agreement, if  
31 any, between the general hospital and a representative of the nursing or  
32 ancillary staff;

33 (xiv) The nursing quality indicators required under subdivision seven-  
34 teen of this section;

35 (xv) General hospital finances and resources; and

36 (xvi) Provisions for limited short-term adjustments made by appropri-  
37 ate general hospital personnel overseeing patient care operations to the  
38 staffing levels required by the plan, necessary to account for unex-  
39 pected changes in circumstances that are to be of limited duration.

40 (c) Semiannual review of the staffing plan against patient needs and  
41 known evidence-based staffing information, including the nursing sensi-  
42 tive quality indicators collected by the general hospital.

43 (d) Review, assessment, and response to complaints regarding potential  
44 violations of the adopted staffing plan, staffing variations, or other  
45 concerns regarding the implementation of the staffing plan and within  
46 the purview of the committee.

47 5. Compliance provisions. (a) The clinical staffing plan shall comply  
48 with all federal and state laws and regulations and shall not diminish  
49 other standards contained in state or federal law and regulations, or  
50 the terms of an applicable collective bargaining agreement, if any.

51 (b) The clinical staffing plan shall comply with applicable laws and  
52 regulations, including, but not limited to:

53 (i) Regulations made by the department on burn unit staffing, liver  
54 transplant staffing, and operating room circulating nurse staffing;

55 (ii) Staffing regulations to be promulgated by the commissioner relat-  
56 ing to staffing in intensive care and critical care units no later than

1 January first, two thousand twenty-two. Such regulations shall consider  
2 the factors set forth in paragraph (b) of subdivision four of this  
3 section, standards in place in neighboring states, and a minimum stand-  
4 ard of twelve hours of registered nurse care per patient per day;

5 (iii) Such other staffing standards or regulations as are currently in  
6 effect or may hereafter be established by the department or enacted by  
7 the legislature; and

8 (iv) The provisions of section one hundred sixty-seven of the labor  
9 law and any related regulations.

10 (c) The clinical staffing plan shall comply with and incorporate any  
11 minimum staffing levels provided for in any applicable collective  
12 bargaining agreement, including but not limited to nurse-to-patient  
13 ratios, caregiver-to-patient ratios, staffing grids, staffing matrices,  
14 or other staffing provisions.

15 6. Process for adoption of clinical staffing plans. (a) The clinical  
16 staffing committee shall produce the general hospital's annual clinical  
17 staffing plan by July first of each year.

18 (b) Clinical staffing plans shall be developed and adopted by consen-  
19 sus of the clinical staffing committee. For the purposes of determining  
20 whether there is a consensus, the management members of the committee  
21 shall have one vote and the employee members of the committee shall have  
22 one vote, regardless of the actual number of members of the committee.  
23 Each side may determine its own method of casting its vote to adopt all  
24 or part of the clinical staffing plan.

25 (c) The general hospital shall adopt any clinical staffing plan that  
26 is wholly or partially recommended by a consensus of the clinical staff-  
27 ing committee. If there is no consensus on the recommended staffing plan  
28 or any of its parts, the chief executive officer of the general hospital  
29 shall use the officer's discretion to adopt a plan or partial plan for  
30 which there is no consensus. In this case, the chief executive officer  
31 shall provide a written explanation of the elements of the clinical  
32 staffing plan that the committee was unable to agree on, including the  
33 final written proposals from the two parties and their rationales. In no  
34 event may a chief executive officer fail to include in the adopted plan  
35 any staffing related terms and conditions of the plan that has previous-  
36 ly been adopted through any applicable collective bargaining agreement.

37 (d) Each general hospital shall adopt and submit its first hospital  
38 clinical staffing plan under this section to the department no later  
39 than July first, two thousand twenty-two and annually thereafter. The  
40 plan submitted to the department shall, where applicable, include the  
41 written explanation from the chief executive officer and written  
42 proposals from the two parties regarding elements that the committee did  
43 not agree on as required in paragraph (c) of this subdivision. The  
44 submitted clinical staffing plan shall include data, from at least the  
45 previous year, on the frequency and duration of variations from the  
46 adopted clinical staffing plan, the number of complaints relating to the  
47 clinical staffing plan and their disposition, as well as descriptions of  
48 unresolved complaints submitted pursuant to paragraph (b) of subdivision  
49 seven of this section. The department shall post the plan as part of  
50 each individual general hospital's health profile on the website of the  
51 department no later than July thirty-first of each year. If the adopted  
52 clinical staffing plan is subsequently amended, the amended plan shall  
53 be submitted to the department within thirty days of adoption. Adopted  
54 staffing plans shall be amended to include newly created units and  
55 existing units that undergo clinical or programmatic changes that funda-

1 mentally alter their character or nature. The department shall post  
2 amended staffing plans upon receipt.

3 7. Implementation of clinical staffing plans. (a) Beginning January  
4 first, two thousand twenty-three, and annually thereafter, each general  
5 hospital shall implement the clinical staffing plan adopted by July  
6 first of the prior calendar year, and any subsequent amendments, and  
7 assign personnel to each patient care unit in accordance with the plan.

8 (b) A registered nurse, licensed practical nurse, ancillary member of  
9 the frontline team, or collective bargaining representative may report  
10 to the clinical staffing committee any variations where the personnel  
11 assignment in a patient care unit is not in accordance with the adopted  
12 staffing plan and may make a complaint to the committee based on the  
13 variations.

14 (c) The clinical staffing committee shall develop a process to exam-  
15 ine, respond to, and track data submitted under paragraph (b) of this  
16 subdivision. The clinical staffing committee may by consensus, as  
17 described in paragraph (b) of subdivision six of this section, determine  
18 a complaint resolved or dismissed. The clinical staffing committee shall  
19 also establish agreed upon rules and criteria to provide for confiden-  
20 tiality of complaints that are in the process of being examined or are  
21 found to be unsubstantiated. This subdivision does not infringe upon or  
22 limit the rights of any collective bargaining representative of employ-  
23 ees, or of any employee or group of employees pursuant to applicable  
24 law, including without limitation any applicable state or federal labor  
25 laws.

26 8. Posting of staffing information. Each general hospital shall post,  
27 in a publicly conspicuous area on each patient care unit, the clinical  
28 staffing plan for that unit and the actual daily staffing for that shift  
29 on that unit as well as the relevant clinical staffing.

30 9. Retaliation and intimidation prohibited. A general hospital shall  
31 not retaliate against or engage in any form of intimidation of:

32 (a) An employee for performing any duties or responsibilities in  
33 connection with the clinical staffing committee; or

34 (b) An employee, patient, or other individual who notifies the clin-  
35 ical staffing committee or the hospital administration of the individ-  
36 ual's staffing concerns.

37 10. Special considerations. Nothing in this section is intended to  
38 create unreasonable burdens on critical access hospitals under 42 U.S.C.  
39 Sec. 1395i-4 and sole community hospitals under 42 U.S.C. Sec.  
40 1395ww(d)(5) related to the operation of their clinical staffing commit-  
41 tees. Critical access and sole community hospitals may develop flexible  
42 approaches to accomplish the requirements of this section. Clinical  
43 staffing plans from such entities submitted to the department shall  
44 contain a description of any ways in which the general hospital's  
45 approach to creating the plan differed from the process outlined in this  
46 section. This subdivision does not relieve such entities from compli-  
47 ance with other provisions of this section related to the adoption,  
48 implementation and adherence to an adopted clinical staffing plan,  
49 reporting and disclosure, or other requirements of this section.

50 11. Investigations. (a) The department shall investigate potential  
51 violations of this section following receipt of a complaint with  
52 supporting evidence, of failure to:

53 (i) Form or establish a clinical staffing committee;

54 (ii) Comply with the requirements of this section in creating a clin-  
55 ical staffing plan;



1 (iii) Adopt all or part of a clinical staffing plan that is approved  
2 by consensus of the clinical staffing committee and submitted to the  
3 department;

4 (iv) Conduct a semiannual review of a clinical staffing plan; or

5 (v) Submit to the department a clinical staffing plan on an annual  
6 basis and any updates.

7 (b) The department shall initiate an investigation of unresolved  
8 complaints, that have first been submitted to the clinical staffing  
9 committee, regarding compliance with the clinical staffing plan, person-  
10 nel assignments in a patient care unit or staffing levels, or any other  
11 requirement of the adopted clinical staffing plan, excluding complaints  
12 determined by the clinical staffing committee to be resolved or  
13 dismissed as determined by consensus of the clinical staffing committee  
14 as described in paragraph (b) of subdivision six of this section.

15 (c) The department shall initiate an investigation after making an  
16 assessment that there is a pattern of failure to resolve complaints  
17 submitted to the clinical staffing committee or a pattern of failure to  
18 reach consensus on the adoption of all or part of a clinical staffing  
19 plan. In the case of a pattern of failure to resolve complaints or to  
20 reach consensus on the adoption of all or part of a clinical staffing  
21 plan, the department shall determine if the pattern was due to one of  
22 the parties routinely refusing to resolve complaints or reach consensus.

23 (d) Any department investigation of a complaint under this subdivision  
24 shall consider whether unforeseeable emergency circumstances as defined  
25 in subdivision fourteen of this section contributed to the failure of  
26 the general hospital to comply with this section.

27 (e) After an investigation conducted under paragraph (a) or (b) of  
28 this subdivision, if the department determines that there has been a  
29 violation, the department shall require the general hospital to submit a  
30 corrective plan of action within forty-five days of the presentation of  
31 findings from the department to the hospital. If the department deter-  
32 mines after investigation under paragraph (c) of this subdivision that  
33 the general hospital representatives on the clinical staffing committee  
34 were responsible for a pattern of not resolving complaints or for a  
35 pattern of not reaching consensus, the department shall require the  
36 general hospital to submit a corrective action plan within forty-five  
37 days of the presentation of findings to the general hospital. If the  
38 department finds that the frontline staff representatives on the clin-  
39 ical staffing committee were responsible for a pattern of not resolving  
40 complaints or for a pattern of not reaching consensus, the department  
41 shall not require the general hospital to submit a corrective action  
42 plan or impose a civil penalty on the general hospital pursuant to  
43 subdivision twelve of this section.

44 12. Civil penalties. In the event that a general hospital fails to  
45 submit or submits but fails to implement a corrective action plan in  
46 response to a violation or violations found by the department based on a  
47 complaint filed pursuant to paragraph (a), (b) or (c) of subdivision  
48 eleven of this section, the department may impose a civil penalty as  
49 authorized by section twelve of this chapter for all violations asserted  
50 against the general hospital, until the general hospital submits or  
51 implements a corrective action plan or takes other action directed by  
52 the department.

53 13. Posting of penalties and related information. The department shall  
54 maintain for public inspection, including posting on the general hospi-  
55 tal profile on the department website, records of any civil penalties,

1 administrative actions, or license suspensions or revocations imposed on  
2 general hospitals under this section.

3 14. Unforeseeable emergency circumstances. (a) For purposes of this  
4 section, "unforeseeable emergency circumstance" means:

5 (i) Any officially declared national, state, or municipal emergency;  
6 (ii) When a general hospital disaster plan is activated; or  
7 (iii) Any unforeseen disaster or other catastrophic event that imme-  
8 diately affects or increases the need for health care services.

9 (b) In determining whether a general hospital has violated its obli-  
10 gations under this section to comply with the general hospital's clin-  
11 ical staffing plan, it shall not be a defense that it was unable to  
12 secure sufficient staff if the lack of staffing was foreseeable and  
13 could be prudently planned for or involved routine nurse staffing needs  
14 that arose due to typical staffing patterns, typical levels of absentee-  
15 ism, and time off typically approved by the employer for vacation, holi-  
16 days, sick leave, and personal leave.

17 15. Complaints. Nothing in this section shall be construed to preclude  
18 the ability to submit a complaint to the department as provided for  
19 under this chapter. Nothing in this section shall be construed as  
20 supplanting other complaint mechanisms established by a general hospi-  
21 tal, including mechanisms designed to aid in compliance with other  
22 federal, state or local laws. Nothing in this section shall be  
23 construed as limiting or supplanting the rights of employees and their  
24 collective bargaining representatives to fully enforce any and all  
25 rights under the terms of a collective bargaining agreement. An employ-  
26 er shall not assert or attempt to assert a claim that enforcement of the  
27 collective bargaining agreement is barred or limited by any provisions  
28 of this section.

29 16. Annual report. (a) The department shall submit an annual report to  
30 the speaker of the assembly, the temporary president of the senate, and  
31 the chairs of the health committees of the assembly and senate and the  
32 governor on or before December thirty-first of each year. This report  
33 shall include the number of complaints submitted to the department, the  
34 disposition of these complaints, the number of investigations conducted,  
35 and the associated costs for complaint investigations, if any.

36 (b) Prior to the submission of the report, the commissioner shall  
37 convene a stakeholder workgroup consisting of hospital associations and  
38 unions representing nurses and other ancillary members of the frontline  
39 team. The stakeholder workgroup shall review the report prior to its  
40 submission to the speaker of the assembly, the temporary president of  
41 the senate, and the chairs of the health committees of the assembly and  
42 senate.

43 17. Disclosure of nursing quality indicators. (a) Every facility with  
44 an operating certificate pursuant to the requirements of this article  
45 shall make available to the public information regarding nurse staffing  
46 and patient outcomes as specified by the commissioner by rule and regu-  
47 lation. The commissioner shall promulgate rules and regulations on the  
48 disclosure of nursing quality indicators providing for the disclosure of  
49 information including at least the following, as appropriate to the  
50 reporting facility:

51 ~~(a)~~ (i) The number of registered nurses providing direct care and  
52 the ratio of patients per registered nurse, full-time equivalent,  
53 providing direct care. This information shall be expressed in actual  
54 numbers, in terms of total hours of nursing care per patient, including  
55 adjustment for case mix and acuity, and as a percentage of patient care

1 staff, and shall be broken down in terms of the total patient care  
2 staff, each unit, and each shift.

3 ~~[(b)]~~ (ii) The number of licensed practical nurses providing direct  
4 care. This information shall be expressed in actual numbers, in terms of  
5 total hours of nursing care per patient including adjustment for case  
6 mix and acuity, and as a percentage of patient care staff, and shall be  
7 broken down in terms of the total patient care staff, each unit, and  
8 each shift.

9 ~~[(e)]~~ (iii) The number of unlicensed personnel utilized to provide  
10 direct patient care, including adjustment for case mix and acuity. This  
11 information shall be expressed both in actual numbers and as a percent-  
12 age of patient care staff and shall be broken down in terms of the total  
13 patient care staff, each unit, and each shift.

14 ~~[(d)]~~ (iv) Incidence of adverse patient care, including incidents such  
15 as medication errors, patient injury, decubitus ulcers, nosocomial  
16 infections, and nosocomial urinary tract infections.

17 ~~[(e)]~~ (v) Methods used for determining and adjusting staffing levels  
18 and patient care needs and the facility's compliance with these methods.

19 ~~[(f)]~~ (vi) Data regarding complaints filed with any state or federal  
20 regulatory agency, or an accrediting agency, and data regarding investi-  
21 gations and findings as a result of those complaints, degree of compli-  
22 ance with acceptable standards, and the findings of scheduled inspection  
23 visits.

24 ~~[(2)]~~ (b) Such information shall be provided to the commissioner of any  
25 state agency responsible for licensing or accrediting the facility, or  
26 responsible for overseeing the delivery of services either directly or  
27 indirectly, to any employee of a general hospital or the employee's  
28 collective bargaining agent, if any, and to any member of the public who  
29 requests such information directly from the facility. Written statements  
30 containing such information shall state the source and date thereof.

31 (c) The commissioner shall make regulations to provide a uniform  
32 format or form for complying with the reporting requirements of subpara-  
33 graphs (i), (ii) and (iii) of paragraph (a) of this subdivision, allow-  
34 ing patients and the public to clearly understand and compare staffing  
35 patterns and actual levels of staffing across facilities. Such uniform  
36 format or form shall allow facilities to include a description of addi-  
37 tional resources available to support unit level patient care and a  
38 description of the general hospital. The information required by subpar-  
39 agraphs (i), (ii) and (iii) of paragraph (a) of this subdivision,  
40 reported in a manner determined by the commissioner, shall be filed with  
41 the department electronically on a quarterly basis and shall be avail-  
42 able to the public on the department's website. The regulations shall  
43 take effect no later than December thirty-first, two thousand twenty-  
44 two. Information required to be provided pursuant to subparagraphs (i),  
45 (ii) and (iii) of paragraph (a) of this subdivision shall be made avail-  
46 able to the public no later than July first, two thousand twenty-three.

47 18. Advisory commission. (a) There is hereby established an independ-  
48 ent advisory commission, composed of nine experts in staffing standards  
49 and quality of patient care, including: three experts in nursing prac-  
50 tice, quality of nursing care or patient care standards, one of whom  
51 shall be appointed by the governor, one of whom shall be appointed by  
52 the speaker of the assembly and one of whom shall be appointed by the  
53 temporary president of the senate; three representatives of unions  
54 representing nurses, one of whom shall be appointed by the governor, one  
55 of whom shall be appointed by the speaker of the assembly and one of  
56 whom shall be appointed by the temporary president of the senate; and



1 three members representing general hospitals, one of whom shall be  
2 appointed by the governor, one of whom shall be appointed by the speaker  
3 of the assembly and one of whom shall be appointed by the temporary  
4 president of the senate. The members of the commission shall serve at  
5 the pleasure of the appointing official. Members of the commission  
6 shall keep confidential any information received in the course of their  
7 duties and may only use such information in the course of carrying out  
8 their duties on the commission, except those reports required to be  
9 issued by the commission under this section, which may only include  
10 de-identified information.

11 (b) The advisory commission shall convene from time to time in order  
12 to evaluate the effectiveness of the clinical staffing committees  
13 required by this section. Such review shall evaluate the following  
14 metrics, including but not limited to quantitative and qualitative data  
15 on whether staffing levels were improved and maintained, patient satis-  
16 faction, employee satisfaction, patient quality of care metrics, work-  
17 place safety, and any other metrics the commission deems relevant. The  
18 commission shall also review the annual report submitted by the depart-  
19 ment and make recommendations to the speaker of the assembly, the tempo-  
20 rary president of the senate, and the chairs of the health committees of  
21 the assembly and senate as set forth in paragraph (d) of this subdivi-  
22 sion.

23 (c) The advisory commission may collect and shall be provided all  
24 relevant information, necessary to carry out its functions, from the  
25 department and other state agencies. The commission may also invite  
26 testimony by experts in the field and from the public. In making its  
27 recommendations to the speaker of the assembly, the temporary president  
28 of the senate, and the chairs of the health committees of the assembly  
29 and senate, the commission shall analyze relevant data, including data  
30 and factors set forth in paragraph (b) of subdivision four of this  
31 section related to clinical staffing plans. The commission may also  
32 make recommendations for additional or enhanced enforcement mechanisms  
33 or powers to address general hospital failure to comply with this  
34 section and recommend the appropriation of funding for the department to  
35 enforce this section or to assist general hospitals in hiring additional  
36 staff to comply with this section.

37 (d) The advisory commission shall submit to the speaker of the assem-  
38 bly, the temporary president of the senate and the chairs of the health  
39 committees of the assembly and senate, and make available to the public  
40 a report that makes recommendations to the speaker of the assembly, the  
41 temporary president of the senate, and the chairs of the health commit-  
42 tees of the assembly and senate for further legislative action, if any,  
43 in order to improve working conditions and quality of care in general  
44 hospitals pursuant to this section and its intent.

45 (e) The commission shall submit its report and recommendations to the  
46 speaker of the assembly, the temporary president of the senate, and the  
47 chairs of the health committees of the assembly and senate no later than  
48 October thirty-first, two thousand twenty-four, once three years of  
49 staffing plans have been submitted to the department pursuant to this  
50 section.

51 (f) Members of the commission shall receive no compensation for their  
52 services, but shall be allowed their actual and necessary expenses  
53 incurred in the performance of their duties hereunder.

54 (g) The legislature may appropriate funding for the commission to hire  
55 staff or consultants and provide for the operation of the commission as  
56 reasonably necessary to fulfill its functions.

1     § 2. If any provision of this act, or any application of any provision  
2 of this act, is held to be invalid, or to violate or be inconsistent  
3 with any federal law or regulation, that shall not affect the validity  
4 or effectiveness of any other provision of this act, or of any other  
5 application of any provision of this act, which can be given effect  
6 without that provision or application; and to that end, the provisions  
7 and applications of this act are severable.

8     § 3. This act shall take effect immediately.