
HOUSE BILL 1372

State of Washington

59th Legislature

2005 Regular Session

By Representatives Morrell, Cody, Green, Appleton, Roberts, Sells, Campbell, Conway, P. Sullivan and Simpson

Read first time 01/21/2005. Referred to Committee on Health Care.

1 AN ACT Relating to the Washington state patient safety act; adding
2 new sections to chapter 70.41 RCW; creating a new section; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.41 RCW
6 to read as follows:

7 Current health services research continues to demonstrate that
8 higher numbers of registered nurses available to care for patients in
9 acute care hospitals lead to better patient outcomes with less
10 morbidity and mortality and fewer complications. Moreover,
11 improvements in safety of staff, job satisfaction, and reduction of
12 workplace injuries have also been directly linked to higher registered
13 nurse staffing levels. Therefore, to safeguard the public and support
14 registered nurses, licensed practical nurses, and unlicensed assistive
15 personnel, the legislature finds, as a matter of public policy, that
16 development and implementation of staffing plans for nursing services
17 are essential to ensure that the classifications, skills, experiences,
18 and numbers of health care professionals providing direct patient care
19 are sufficient to meet the needs of patients.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.41 RCW
2 to read as follows:

3 The definitions in this section apply throughout sections 1 through
4 7 of this act unless the context clearly requires otherwise.

5 (1) "Staffing committee" means a committee established by the
6 hospital with at least one-half of its members who are registered
7 nurses currently providing direct patient care. If registered nurses
8 are represented by a collective bargaining representative, the
9 registered nurse representatives must be selected by the collective
10 bargaining representative. Participation in the committee must be
11 considered a part of the employee's regularly scheduled workweek.

12 (2) "Patient care unit" means any unit of the hospital that
13 provides patient care.

14 (3) "Intensity" means the level of patient needs as determined by
15 a registered nurse providing direct patient care taking into account at
16 least the following factors:

- 17 (a) Severity and urgency of the patient's admitting condition;
- 18 (b) Scheduled procedures;
- 19 (c) Patient's ability to meet health care requisites;
- 20 (d) Patient's availability of social supports;
- 21 (e) Age and functional ability of the patient;
- 22 (f) Communications skills of the patient; and
- 23 (g) Other needs identified by the patient and by the registered
24 nurse.

25 (4) "Skill mix" means the number of registered nurses, licensed
26 practical nurses, and unlicensed assistive personnel providing direct
27 patient care.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.41 RCW
29 to read as follows:

30 (1) Each hospital in the state shall develop and implement a
31 staffing plan for nursing services. The plan must be reviewed and
32 updated annually and filed with the department. The written staffing
33 plan must:

- 34 (a) Set the minimum number and skill mix of registered nurses,
35 licensed practical nurses, and unlicensed assistive personnel required
36 in each patient care unit in the hospital;

1 (b) Be based on at least the following criteria on each patient
2 care unit:

3 (i) Census, including activity such as patient discharges,
4 admissions, and transfers;

5 (ii) Level of intensity of all patients and nature of the care to
6 be delivered on each shift;

7 (iii) Skill mix, experience, and specialty certification or
8 training of those providing the care;

9 (iv) The need for specialized or intensive equipment; and
10 (v) The architecture and geography of the patient care unit;

11 (c) Include appropriate limits on the use of agency and traveling
12 nurses;

13 (d) Be consistent with the scopes of practice for registered nurses
14 and licensed practical nurses and the authorized duties of unlicensed
15 assistive personnel;

16 (e) Include adequate staffing to provide for staff time off,
17 illnesses, meal and break time, and educational, health, and other
18 leaves;

19 (f) Include a semiannual process for internal review by the
20 staffing committee that ensures compliance with the staffing plan,
21 provides for the review of incidents and staff concerns, and tracks
22 staffing patterns, number of patients, and their acuity.

23 (2) The staffing plan must not diminish existing standards in law,
24 rules, or the terms of an applicable collective bargaining agreement.

25 (3) Each hospital shall staff each patient care unit in accordance
26 with its staffing plan. Shift-to-shift adjustments in staffing levels
27 required by the plan may be made only if based upon assessment by a
28 registered nurse providing direct patient care on the patient care
29 unit.

30 (4) Each hospital shall post the staffing plan for that patient
31 care unit as required by this section on each patient care unit in the
32 facility.

33 (5) Each hospital shall collaborate with its staffing committee in
34 the development and implementation of its staffing plan.

35 (6) No hospital shall retaliate against or intimidate any employee
36 for performing any duties or responsibilities in connection with
37 participation on the staffing committee.

1 (7) No hospital shall retaliate against or intimidate any employee
2 who notifies the staffing committee, the hospital administration, or
3 the department that any schedule fails to meet with the posted staffing
4 plan, or that the hospital has failed to develop or implement a
5 staffing plan consistent with sections 1 through 7 of this act.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.41 RCW
7 to read as follows:

8 (1) Hospitals shall maintain accurate daily records showing:

9 (a) The number of patients present in each patient care unit at the
10 end of each standard shift within the facility;

11 (b) The number of admissions, discharges, transfers, and
12 observation patients in each patient care unit and each shift; and

13 (c) The number of registered nurses, licensed practical nurses, and
14 unlicensed assistive personnel providing direct patient care in each
15 patient care unit and shift within the facility.

16 (2) All records required to be kept under this section must be
17 maintained for a period of seven years.

18 (3) Hospitals shall maintain and post a list of qualified, on-call
19 nursing staff and nursing services that may be called to provide
20 replacement staff in the event of sickness, vacations, vacancies, and
21 other absences of nursing staff and that provides a sufficient number
22 of replacement staff for the hospital on a regular basis.

23 (4) All records required to be kept under this section must be
24 available upon request to the department and to the staffing committee.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.41 RCW
26 to read as follows:

27 Semiannually, hospitals shall collect and submit to the department
28 information regarding nurse staffing. Such information must include
29 the following nursing-sensitive quality indicators established by the
30 American nurses association:

31 (1) The percentage mix of registered nurses, licensed practical
32 nurses, and unlicensed assistive personnel caring for patients as a
33 total of all nursing care hours on each unit;

34 (2) The total nursing care hours provided per patient day on each
35 unit;

1 (3) The rates of pressure ulcers relative to the number of
2 patients;

3 (4) The rate of patient falls per one thousand patient days; and

4 (5) Nurse staff satisfaction as determined by scaled responses to
5 a uniform series of questions.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.41 RCW
7 to read as follows:

8 (1) The department shall investigate complaints of violations of
9 sections 1 through 5 of this act. The department may impose civil
10 penalties or suspend or revoke a license of a hospital for violation of
11 any provision of sections 1 through 5 of this act. A civil penalty
12 imposed under this section may not exceed five thousand dollars. Each
13 violation of a nursing staff plan must be considered a separate
14 violation.

15 (2) The department shall maintain for public inspection records of
16 any civil penalties, administrative actions, or license suspensions or
17 revocations imposed on hospitals under this section.

18 (3) The department shall conduct an annual random audit of not less
19 than ten percent of all hospitals in this state solely to verify
20 compliance with the requirements of sections 1 through 5 of this act.
21 Surveys made by private accrediting organizations may not be used in
22 lieu of the audit required under this subsection. The department shall
23 compile and maintain for public inspection an annual report of the
24 audit conducted under this subsection.

25 (4) The department shall establish rules as necessary to implement
26 sections 1 through 7 of this act.

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.41 RCW
28 to read as follows:

29 Any costs associated with the administration of sections 1 through
30 6 of this act must be paid through hospital licensure fees.

31 NEW SECTION. **Sec. 8.** This act may be known and cited as the
32 Washington state patient safety act.

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