
SUBSTITUTE HOUSE BILL 1095

State of Washington

63rd Legislature

2013 Regular Session

By House Appropriations Subcommittee on Health & Human Services
(originally sponsored by Representatives Green, Cody, Morrell,
Reykdal, Appleton, Ryu, McCoy, Bergquist, and Pollet)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to nursing staffing practices at hospitals;
2 amending RCW 70.41.420; adding new sections to chapter 70.41 RCW;
3 creating new sections; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Research demonstrates the critical role that registered nurses
7 play in improving patient safety and quality of care;

8 (2) Greater numbers of registered nurses available to care for
9 hospitalized patients are key to reducing errors, complications, and
10 adverse patient care events;

11 (3) Higher nurse staffing levels result in improved staff safety
12 and satisfaction and reduced incidences of workplace injuries;

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

16 (5) Assuring sufficient nurse staffing to meet patient care needs
17 is an urgent public policy priority in order to protect patients,
18 support greater retention of registered nurses and safer working

1 conditions, promote evidence-based nurse staffing, and increase
2 transparency of health care data and decision making.

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

5 (1) By June 30, 2015, the department, with stakeholder input,
6 shall:

7 (a) Adopt patient assignment limits; and

8 (b) Recommend quality indicators in addition to those specified in
9 section 4 of this act.

10 (2) Patient assignment limits apply:

11 (a) To individual registered nurse assignments, and may not be
12 construed as establishing average assignments for a hospital or patient
13 care unit; and

14 (b) At all times that a registered nurse is on duty, including
15 times when other nurses are away from the unit, on a break, or
16 otherwise not providing patient care.

17 (3) The established patient assignment limits apply to all
18 hospitals in the state. These patient assignment limits represent the
19 maximum number of patients for which any registered nurse may be
20 assigned at any one time to provide care. This number includes
21 patients for whose care the registered nurse is responsible, but for
22 whom aspects of care have been delegated to other nursing personnel.
23 The department may establish different limits for different types of
24 patient care units or areas.

25 (4) Patient assignment limits serve as a minimum staffing standard.
26 However, compliance with these patient assignment limits alone is not
27 sufficient to demonstrate compliance with the requirements for
28 development and implementation of staffing plans under RCW 70.41.420.
29 Actual staffing levels on any hospital unit during any shift must be
30 determined by the staffing plan developed by the hospital nurse
31 staffing committee consistent with RCW 70.41.420.

32 (5) A registered nurse may not be assigned to a nursing unit or
33 clinical area unless the nurse has first received orientation in that
34 clinical area sufficient to provide competent care to patients in that
35 area and has demonstrated current competence in providing care in that
36 area.

1 (6) The written policies and procedures for orientation of nursing
2 staff must require that all temporary personnel receive orientation and
3 be subject to competency validation.

4 **Sec. 3.** RCW 70.41.420 and 2008 c 47 s 3 are each amended to read
5 as follows:

6 (1) By September 1, 2008, each hospital shall establish a nurse
7 staffing committee, either by creating a new committee or assigning the
8 functions of a nurse staffing committee to an existing committee. At
9 least one-half of the members of the nurse staffing committee shall be
10 registered nurses currently providing direct patient care and up to
11 one-half of the members shall be determined by the hospital
12 administration. The selection of the registered nurses providing
13 direct patient care shall be according to the collective bargaining
14 agreement if there is one in effect at the hospital. If there is no
15 applicable collective bargaining agreement, the members of the nurse
16 staffing committee who are registered nurses providing direct patient
17 care shall be selected by their peers.

18 (2) Participation in the nurse staffing committee by a hospital
19 employee shall be on scheduled work time and compensated at the
20 appropriate rate of pay. Nurse staffing committee members shall be
21 relieved of all other work duties during meetings of the committee.

22 (3) Primary responsibilities of the nurse staffing committee shall
23 include:

24 (a) Development and oversight of an annual patient care unit and
25 shift-based nurse staffing plan, based on the needs of patients, to be
26 used as the primary component of the staffing budget. Factors to be
27 considered in the development of the plan should include, but are not
28 limited to:

29 (i) Census, including total numbers of patients on the unit on each
30 shift and activity such as patient discharges, admissions, and
31 transfers;

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

34 (iii) Skill mix;

35 (iv) Level of experience and specialty certification or training of
36 nursing personnel providing care;

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

1 (vi) The architecture and geography of the patient care unit,
2 including but not limited to placement of patient rooms, treatment
3 areas, nursing stations, medication preparation areas, and equipment;
4 ((and))

5 (vii) Staffing guidelines adopted or published by national nursing
6 professional associations, specialty nursing organizations, and other
7 health professional organizations; and

8 (viii) Availability of other personnel supporting nursing services
9 on the unit;

10 (b) Semiannual review of the staffing plan against patient need and
11 known evidence-based staffing information, including the nursing
12 sensitive quality indicators collected by the hospital;

13 (c) Review, assessment, and response to staffing concerns presented
14 to the committee.

15 (4) In addition to the factors listed in subsection (3)(a) of this
16 section, hospital finances and resources may be taken into account in
17 the development of the nurse staffing plan.

18 (5) The staffing plan must not diminish other standards contained
19 in state or federal law and rules, or the terms of an applicable
20 collective bargaining agreement, if any, between the hospital and a
21 representative of the nursing staff.

22 ~~((The committee will produce the hospital's annual nurse~~
23 ~~staffing plan. If this staffing plan is not adopted by the hospital,~~
24 ~~the chief executive officer shall provide a written explanation of the~~
25 ~~reasons why to the committee.)) Beginning June 30, 2016, each hospital
26 shall submit the staffing plan to the department on at least an annual
27 basis.~~

28 (7) Beginning June 30, 2016, each hospital shall implement the
29 staffing plan and assign nursing personnel to each patient care unit in
30 accordance with the plan. Shift-to-shift adjustments in staffing
31 levels required by the plan may be made only if based upon assessment
32 by a registered nurse providing direct patient care on the patient care
33 unit, utilizing procedures specified by the staffing committee.

34 (8) Each hospital shall post, in a public area on each patient care
35 unit, the nurse staffing plan and the nurse staffing schedule for that
36 shift on that unit, as well as the relevant clinical staffing for that
37 shift. The staffing plan and current staffing levels must also be made
38 available to patients and visitors upon request.

1 ~~((+8))~~ (9) A hospital may not retaliate against or engage in any
2 form of intimidation of:

3 (a) An employee for performing any duties or responsibilities in
4 connection with the nurse staffing committee; or

5 (b) An employee, patient, or other individual who notifies the
6 nurse staffing committee ~~((or))~~, the hospital administration, an agent
7 of the collective bargaining, or the department of his or her concerns
8 ~~((or))~~ regarding nurse staffing that (i) violates the nurse staffing
9 plan or patient assignment limits or (ii) the employee, patient, or
10 other individual believes is otherwise insufficient or unsafe.

11 ~~((+9))~~ (10) A hospital may not penalize any registered nurse for
12 refusing to accept an assignment that violates the hospital staffing
13 plan described in this section, or the restrictions described in
14 section 2(5) of this act, as long as the registered nurse first informs
15 the hospital in writing that he or she has concluded that, in his or
16 her professional judgment and nursing practice licensure standards,
17 accepting the assignment would place one or more patients at immediate
18 risk of serious harm or injury.

19 (11) This section is not intended to create unreasonable burdens on
20 critical access hospitals under 42 U.S.C. Sec. 1395i-4. Critical
21 access hospitals may develop flexible approaches to accomplish the
22 requirements of this section that may include but are not limited to
23 having nurse staffing committees work by telephone or electronic mail.

24 NEW SECTION. Sec. 4. A new section is added to chapter 70.41 RCW
25 to read as follows:

26 (1) Hospitals shall regularly collect information regarding nurse
27 staffing and submit it to the department semiannually. This
28 information must include:

29 (a) Nursing staff skill mix, including registered nurses, licensed
30 practical nurses, and unlicensed assistive personnel;

31 (b) Nursing hours per patient day;

32 (c) Nurse voluntary turnover rate; and

33 (d) Nurses supplied by temporary staffing agencies including
34 traveling nurses.

35 (2) In adopting rules under this section, the department shall
36 determine effective means for making the information identified in

1 subsection (1) of this section readily available to the public,
2 including posting it in public areas of the hospital and making it
3 available through the internet.

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

6 (1)(a) Upon receipt of a complaint for a violation of section 2 of
7 this act, RCW 70.41.420, or section 4 of this act, if the hospital has
8 not had a final finding of a violation of those provisions within the
9 previous twenty-four months, the department shall investigate the
10 complaint and, if the department determines that there has been a
11 violation of those sections, require the hospital to submit a
12 corrective plan of action.

13 (b) Upon receipt of a complaint for a violation of section 2 of
14 this act, RCW 70.41.420, or section 4 of this act, if the hospital has
15 had a final finding of a violation of those provisions within the
16 previous twenty-four months, the department shall investigate the
17 complaint and conduct an audit of the hospital's compliance with those
18 sections.

19 (2) Where a hospital is found to be out of compliance with the
20 requirements of sections 2 and 4 of this act and RCW 70.41.420, the
21 department shall at a minimum require the hospital to submit a
22 corrective plan of action. In the event that a hospital fails to
23 submit or submits but fails to follow such a corrective plan of action,
24 the department may impose a civil penalty of ten thousand dollars.

25 (3) In addition, in the event that a hospital is found to have
26 committed a knowing violation or repeated violations of the
27 requirements of sections 2 and 4 through 6 of this act and RCW
28 70.41.420, the department may take either or both of the following
29 actions:

30 (a) Suspend or revoke the license of a hospital; or

31 (b) Impose civil penalties as follows:

32 (i) Two thousand five hundred dollars for a first knowing violation
33 of the requirements of sections 2 and 4 through 6 of this act and RCW
34 70.41.420;

35 (ii) Five thousand dollars for the second violation of the
36 requirements of sections 2 and 4 through 6 of this act and RCW
37 70.41.420 within a six-month period; and

1 (iii) Ten thousand dollars for the third and each subsequent
2 violation of the requirements of sections 2 and 4 through 6 of this act
3 and RCW 70.41.420 within a six-month period.

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

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

9 The department shall adopt rules as necessary to implement sections
10 2, 4, and 5 of this act and RCW 70.41.420.

11 NEW SECTION. **Sec. 7.** This act may be known and cited as the
12 Washington state patient safety act.

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