

As Introduced

136th General Assembly

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H. B. No. 535

Representative Lorenz

To amend sections 3727.50, 3727.51, 3727.52,
3727.54, 3727.55, and 3727.56; to enact new
section 3727.53 and section 4123.293; and to
repeal section 3727.53 of the Revised Code to
revise the law governing hospital-wide nursing
care committees and hospital nursing services
staffing plans.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3727.50, 3727.51, 3727.52,
3727.54, 3727.55, and 3727.56 be amended and new section 3727.53
and section 4123.293 of the Revised Code be enacted to read as
follows:

Sec. 3727.50. As used in this section and sections 3727.51
to 3727.57 of the Revised Code:

(A) ~~"Direct patient care" means care provided by a nurse
with direct responsibility to carry out medical regimens or
nursing care for one or more patients.~~

~~(B) "Hospital" means a facility or institution licensed
under Chapter 3722. of the Revised Code.~~

(B) "Hospital administrator" means an individual who is
both of the following:

(1) Employed by or under contract with a hospital in an 21
executive, managerial, or supervisory capacity; 22

(2) Authorized by the hospital to direct, discipline, 23
evaluate, fire, or hire nursing staff or to establish one or 24
more hospital-wide policies affecting nursing practice, staffing 25
levels, or patient care operations. 26

"Hospital administrator" includes a hospital's chief 27
executive officer, chief nursing officer, or chief operating 28
officer, the director of a hospital department, or the manager 29
of a hospital unit. 30

(C) "Inpatient care unit" means a hospital unit, including 31
an operating room or other inpatient care area, in which nursing 32
care is provided to patients who have been admitted to the 33
hospital. 34

~~(C) "Nurse" means a person who is licensed to practice as~~ 35
~~a registered nurse under Chapter 4723. of the Revised Code or,~~ 36
~~if the hospital employs licensed practical nurses, a person who~~ 37
~~is licensed to practice as a licensed practical nurse under that~~ 38
~~chapter.~~ 39

(D) "Licensed practical nurse" and "registered nurse" have 40
the same meanings as in section 4723.01 of the Revised Code. 41

(E) "Unit-specific minimum staffing level" means the 42
minimum number of registered nurses and licensed practical 43
nurses assigned to provide direct patient care in a specific 44
inpatient care unit of a hospital during an employment shift. 45

Sec. 3727.51. ~~(A) Each hospital shall convene a hospital-~~ 46
~~wide nursing care committee not~~ Not later than ninety days after 47
the effective date of this section ~~or, if the hospital is not~~ 48
~~treating patients on the effective date of this section, ninety~~ 49

~~days after the hospital begins to treat patients~~amendment, each 50
hospital shall convene a hospital-wide nursing care committee. 51
~~The~~In the case of a hospital that begins operation after the 52
effective date of this amendment, the hospital shall convene 53
such a committee not later than ninety days after the hospital 54
begins operation. 55

The hospital shall select the members of the committee, 56
subject to all of the following: 57

(1) The hospital's chief nursing officer shall be included 58
as a member of the committee and other hospital administrators 59
also may be included as members, but only if the total number of 60
hospital administrator members does not exceed thirty per cent 61
of the committee's membership. 62

(2) ~~At~~ Subject to division (B) of this section, at least 63
~~fifty-fifty-one~~ per cent of the committee's membership shall 64
consist of registered nurses who provide direct patient care in 65
the hospital. 66

(3) The number of registered nurses included as members of 67
the committee shall be sufficient to provide adequate 68
representation of all types of nursing care services provided in 69
the hospital. 70

(B) ~~The committee member who is the hospital's chief-~~ 71
~~nursing officer shall establish a mechanism for obtaining input~~ 72
~~from nurses in all inpatient care units who provide direct~~ 73
~~patient care regarding what the nursing services staffing plan~~ 74
~~recommendations described in division (B) of section 3727.52 of~~ 75
~~the Revised Code should include~~In the case of a hospital that 76
has bargained collectively with the registered nurses who are 77
employed by or under contract with the hospital, the hospital 78

shall not select all of the members of the committee described 79
in division (A) (2) of this section. In such a case, the 80
collective bargaining representative for the hospital's 81
registered nurses shall select a majority of the members 82
described in division (A) (2) of this section, with the hospital 83
being responsible for selecting the remainder of those members. 84

Sec. 3727.52. ~~A~~-(A) Not later than ninety days after a 85
hospital-wide nursing care committee is convened pursuant to 86
section 3727.51 of the Revised Code, and then every two years 87
thereafter, the hospital-wide nursing care committee shall do 88
~~both~~ all of the following: 89

~~(A)~~ If one exists, evaluate the hospital's current (1) 90
Review the hospital's nursing services staffing plan in effect 91
at the time of the review; 92

~~(B)~~ Recommend a nursing services staffing plan that is, at 93
a minimum, consistent with current standards established by 94
~~private accreditation organizations or governmental entities and~~ 95
~~addresses~~ (2) Consider all of the following factors related to 96
nursing services staffing: 97

~~(1)~~ (a) The selection, implementation, and evaluation of 98
minimum staffing levels that ensure, for all inpatient care 99
~~units that ensure,~~ that the hospital has a staff of competent 100
nurses with the specialized skills needed to meet patient needs 101
in accordance with evidence-based safe nurse staffing standards; 102

~~(2)~~ (b) The complexity of complete care; the requirements 103
for assessment of patients on patient-admission; the volume of 104
patient admissions, discharges, and transfers; the evaluation 105
of the progress of a patient's problems; and the amount of time 106
needed for patient education, ongoing physical patient 107

assessments, planning for a patient's discharge, assessment 108
after a change in patient condition, and assessment of the need 109
for patient referrals; 110

~~(3)~~ (c) Patient acuity and the number of patients for whom 111
care is being provided; 112

~~(4)~~ (d) The need for ongoing assessments of a unit's 113
~~patients and its nursing staff levels~~ relative to its patients; 114

~~(5)~~ (e) The hospital's policy for identifying additional 115
nurses who can provide direct patient care when patients' 116
unexpected needs exceed the planned workload for direct care 117
staff. 118

(3) Following the review of a nursing services staffing 119
plan under division (A)(1) of this section, develop a 120
replacement plan that establishes for a two-year period unit- 121
specific minimum staffing levels for each inpatient care unit, 122
ensuring that the hospital has a staff of competent nurses with 123
the specialized skills needed to meet patient needs in 124
accordance with evidence-based safe nurse staffing standards. 125

(B) In developing one or more nursing services staffing 126
plans under this section, in particular such a plan's unit- 127
specific minimum staffing levels, the hospital-wide nursing care 128
committee shall express those minimum staffing levels in either 129
of the following terms: 130

(1) A fixed nurse-to-patient ratio; 131

(2) A ratio range that specifies a permissible minimum and 132
maximum number of patients per nurse, provided that such a range 133
ensures safe patient care and meets evidence-based safe nurse 134
staffing standards. 135

(C) As soon as practicable after the development of a 136
nursing services staffing plan, the hospital-wide nursing care 137
committee shall hold a vote to determine if the committee should 138
approve the plan. Such a plan may be approved only by a majority 139
vote of the committee. 140

Sec. 3727.53. (A) Except as provided in division (B) of 141
this section, as soon as practicable after a hospital-wide 142
nursing care committee develops and approves a nursing services 143
staffing plan under section 3727.52 of the Revised Code, the 144
hospital shall adopt and implement the staffing plan for the 145
two-year period that begins on the date of the plan's adoption. 146

(B) Subject to division (C) of this section, during the 147
two-year period in which a nursing services staffing plan is in 148
effect, a hospital may adjust the plan's unit-specific minimum 149
staffing levels, but only in either the following circumstances: 150

(1) When patient care needs exceed the plan's unit- 151
specific minimum staffing levels, but only if staffing levels 152
are adjusted with the assistance of the model identified in 153
section 3727.55 of the Revised Code and the patient acuity 154
assessment tool adopted under that section; 155

(2) When a public health emergency has been declared for a 156
time period not exceeding ninety days, for the geographic area 157
in which the hospital is located, and in response to a health 158
threat that poses a significant risk to the area's population. 159

(C) Any adjustment to the nursing staffing services plan 160
as described in division (B) of this section takes effect only 161
on approval by a majority vote of the hospital-wide nursing care 162
committee. 163

(D) A hospital shall file with the department of health a 164

nursing services staffing plan in accordance with the following 165
schedule: 166

(1) Not later than thirty days after any such plan is 167
adopted under division (A) of this section; 168

(2) Not later than thirty days after an adjusted plan is 169
approved under division (C) of this section. 170

(E) Each calendar quarter, a hospital shall make a prompt 171
and diligent effort to adhere to its nursing services staffing 172
plan at least eighty per cent of the time in each inpatient 173
unit, except that during a public health emergency as described 174
in division (B) (2) of this section, a hospital shall make a 175
prompt and diligent effort to adhere to its nursing services 176
staffing plan at least sixty per cent of the time in each 177
hospital unit. 178

(F) (1) A hospital shall submit to the department of health 179
on a quarterly basis compliance reports for the hospital. Each 180
report shall include the following information: compliance rates 181
organized by unit-level; approved variances; and a summary of 182
corrective actions taken when the percentages described in 183
division (E) of this section were not met. 184

(2) Before a report is submitted under division (F) (1) of 185
this section, the report shall be certified by the hospital's 186
chief nursing officer and a direct care nurse who serves as a 187
co-chairperson for the hospital's hospital-wide nursing care 188
committee. 189

(3) Not later than thirty days after receiving a 190
compliance report submitted under division (F) (1) of this 191
section, the department of health shall make the report publicly 192
available on the internet web site maintained by the department. 193

(4) When making reports publicly available under division 194
(F) (3) of this section, the department shall use a format that 195
is accessible to the public and searchable by hospital name, 196
location, and reporting period. The department also shall ensure 197
that such reports include the information described in division 198
(F) (1) of this section. 199

(G) The department of health may audit a hospital if 200
either of the following circumstances occurs: 201

(1) A compliance report submitted by a hospital as 202
required by division (F) of this section indicates that the 203
hospital's compliance rate for any unit falls below the 204
percentages described in division (E) of this section; 205

(2) The department receives three or more complaints about 206
the hospital's compliance rates that the department determines 207
are credible and substantiated. 208

(H) If the department of health determines that a hospital 209
has not made a prompt and diligent effort to adhere to the 210
hospital's nursing services staffing plan at the percentages 211
described in division (E) of this section, the department shall 212
assess a fine on the hospital in an amount that is equal to five 213
times the average hourly wage for each hour of staffing under 214
the staffing percentages. The department shall deposit any fines 215
collected under this division to the credit of the nurse 216
education grant program fund created under section 4723.063 of 217
the Revised Code. 218

Sec. 3727.54. (A) At least once every two years, the 219
hospital-wide nursing care committee convened pursuant to 220
section 3727.51 of the Revised Code shall do both of the 221
following: 222

(1) Review how the nursing services staffing plan in effect at the time of the review does all of the following:	223 224
(a) Affects inpatient care outcomes;	225
(b) Affects clinical management;	226
(c) Facilitates a delivery system that provides, on a cost-effective basis, quality nursing care consistent with acceptable and prevailing standards of safe nursing care and evidence-based guidelines established by national nursing organizations.	227 228 229 230 231
(2) Make recommendations, based on the review conducted under division (A) (1) of this section, regarding how the nursing services staffing plan should be revised, if at all.	232 233 234
(B) For the purpose of maintaining a repository for public access, beginning in 2018, a hospital shall submit to the department of health, by March 1 of each even-numbered year, a copy of the hospital's nursing services staffing plan in effect at that time. The copy of the plan is a public record under section 149.43 of the Revised Code.	235 236 237 238 239 240
Sec. 3727.55. To provide staffing flexibility to meet patient needs, every hospital <u>hospital-wide nursing care committee</u> shall identify a model for adjusting the <u>a</u> nursing services staffing plan created <u>adopted</u> under section 3727.53 of the Revised Code for each inpatient care unit.	241 242 243 244 245
<u>Every hospital-wide nursing care committee also shall adopt a standardized, evidence-based patient acuity assessment tool for use in adjusting a nursing services staffing plan.</u>	246 247 248
Sec. 3727.56. (A) A hospital shall provide copies of its nursing services staffing plan created <u>adopted</u> under section	249 250

3727.53 of the Revised Code, in accordance with both of the 251
following: 252

(1) Free of charge, a copy of the staffing plan and 253
subsequent changes to the plan shall be provided to each member 254
of the hospital's nursing staff. 255

(2) For a fee not to exceed actual copying costs, a copy 256
of the staffing plan shall be provided to any person who 257
requests it. 258

(B) In a conspicuous location in the hospital, a notice 259
shall be posted informing the public of the availability of the 260
staffing plan. The notice shall specify the appropriate person, 261
office, or department to be contacted to review or obtain a copy 262
of the staffing plan. 263

Sec. 4123.293. (A) As used in this section, "hospital" has 264
the same meaning as in section 3727.50 of the Revised Code. 265

(B) The administrator of workers' compensation, subject to 266
the approval of the bureau of workers' compensation board of 267
directors, shall establish a program to encourage a hospital to 268
adhere to its nursing services staffing plan adopted under 269
section 3727.53 of the Revised Code. The administrator, in 270
consultation with the director of health, shall establish all of 271
the following: 272

(1) A discount on premium rates for a hospital that 273
adheres to a staffing plan at least eighty per cent of the time 274
in each inpatient unit in a calendar year during normal 275
operations and at least sixty per cent of the time in each 276
hospital unit during a public health emergency as described in 277
division (B) (2) of section 3727.53 of the Revised Code; 278

(2) Procedures for verifying eligibility for a discount 279

under the program; 280

(3) A process for resolving disputes related to the amount 281
of a discount and the eligibility for a discount. 282

Section 2. That existing sections 3727.50, 3727.51, 283
3727.52, 3727.54, 3727.55, and 3727.56 of the Revised Code are 284
hereby repealed. 285

Section 3. That section 3727.53 of the Revised Code is 286
hereby repealed. 287