

HOUSE BILL No. 4340

February 28, 2007, Introduced by Reps. Wojno and Hood and referred to the Committee on Labor.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21513 (MCL 333.21513), as amended by 2002 PA
125, and by adding section 21525.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21513. The owner, operator, and governing body of a
2 hospital licensed under this article:

3 (a) Are responsible for all phases of the operation of the
4 hospital, selection of the medical staff, and quality of care
5 rendered in the hospital.

6 (b) Shall cooperate with the department in the enforcement of
7 this part, and require that the physicians, dentists, and other
8 personnel working in the hospital who are required to be licensed

1 or registered are in fact currently licensed or registered.

2 (c) Shall assure that physicians and dentists admitted to
3 practice in the hospital are granted hospital privileges consistent
4 with their individual training, experience, and other
5 qualifications.

6 (d) Shall assure that physicians and dentists admitted to
7 practice in the hospital are organized into a medical staff to
8 enable an effective review of the professional practices in the
9 hospital for the purpose of reducing morbidity and mortality and
10 improving the care provided in the hospital for patients. The
11 review shall include the quality and necessity of the care provided
12 and the preventability of complications and deaths occurring in the
13 hospital.

14 (e) Shall not discriminate because of race, religion, color,
15 national origin, age, or sex in the operation of the hospital
16 including employment, patient admission and care, room assignment,
17 and professional or nonprofessional selection and training
18 programs, and shall not discriminate in the selection and
19 appointment of individuals to the physician staff of the hospital
20 or its training programs on the basis of licensure or registration
21 or professional education as doctors of medicine, osteopathic
22 medicine and surgery, or podiatry.

23 (f) Shall assure that the hospital adheres to medical control
24 authority protocols according to section 20918.

25 (g) Shall assure that the hospital develops and maintains a
26 plan for biohazard detection and handling.

27 **(H) SHALL ASSURE THAT THE HOSPITAL DEVELOPS AND MAINTAINS A**

1 STAFFING PLAN ACCORDING TO SECTION 21525.

2 SEC. 21525. (1) THE DEPARTMENT MAY REFUSE TO LICENSE A
3 HOSPITAL UNDER THIS PART IF THE HOSPITAL FAILS TO DEVELOP AN ACUITY
4 SYSTEM THAT IS APPROVED BY THE DEPARTMENT OR TO SUBMIT AN ANNUAL
5 STAFFING PLAN AS PRESCRIBED UNDER THIS SECTION. THE DEPARTMENT
6 SHALL PROMULGATE RULES PRESCRIBING THE PROCESS FOR APPROVING A
7 HOSPITAL'S ACUITY SYSTEM AND STAFFING PLAN AND ANY OTHER RULES
8 REASONABLY NECESSARY TO CARRY OUT ITS FUNCTIONS AND DUTIES UNDER
9 THIS SECTION.

10 (2) THE STAFFING PLAN SHALL BE BASED ON REASONABLE PROJECTIONS
11 DERIVED FROM THE PATIENT CENSUS AND NURSING CARE NEEDS WITHIN EACH
12 HOSPITAL UNIT FOR THE PREVIOUS YEAR AND SHALL TAKE INTO
13 CONSIDERATION ANY FORESEEABLE CHANGES WITHIN THE HOSPITAL UNIT FOR
14 THE NEXT YEAR. THE STAFFING PLAN SHALL INCLUDE, AT A MINIMUM, THE
15 FOLLOWING NURSE-TO-PATIENT RATIOS:

16 (A) ONE NURSE FOR EACH PATIENT IN AN OPERATING ROOM OR TRAUMA
17 EMERGENCY UNIT.

18 (B) ONE NURSE FOR EVERY 2 PATIENTS IN EACH CRITICAL CARE UNIT
19 INCLUDING, BUT NOT LIMITED TO, A LABOR AND DELIVERY UNIT OR A
20 POSTANESTHESIA UNIT.

21 (C) ONE NURSE FOR EVERY 3 PATIENTS IN AN ANTEPARTUM, EMERGENCY
22 ROOM, PEDIATRICS, STEP-DOWN, OR TELEMETRY UNIT.

23 (D) ONE NURSE FOR EVERY 4 PATIENTS IN AN INTERMEDIATE CARE
24 NURSERY OR A MEDICAL, SURGICAL, OR ACUTE CARE PSYCHIATRIC UNIT.

25 (E) ONE NURSE FOR EVERY 5 PATIENTS IN A REHABILITATION UNIT.

26 (F) ONE NURSE FOR EVERY 6 PATIENTS IN A POSTPARTUM OR WELL-
27 BABY NURSERY UNIT.

1 (3) THE DEPARTMENT MAY ESTABLISH MINIMUM NURSE-TO-PATIENT
2 RATIOS FOR ANY OTHER HOSPITAL UNIT NOT INCLUDED UNDER SUBSECTION
3 (2) .

4 (4) A HOSPITAL SHALL POST IN A CONSPICUOUS PLACE READILY
5 ACCESSIBLE TO THE PUBLIC A NOTICE THAT IS DEVELOPED AND PROVIDED BY
6 THE DEPARTMENT AND THAT OUTLINES THE MANDATORY MINIMUM NURSE-TO-
7 PATIENT RATIOS REQUIRED TO BE MAINTAINED UNDER THIS SECTION. THE
8 NOTICE SHALL INCLUDE INFORMATION ABOUT THE CONFIDENTIAL REPORTING
9 SYSTEM ESTABLISHED UNDER SUBSECTION (6) . UPON REQUEST, THE HOSPITAL
10 SHALL PROVIDE COPIES OF THE STAFFING PLAN FILED WITH THE DEPARTMENT
11 TO THE PUBLIC.

12 (5) EACH HOSPITAL UNIT SHALL MAINTAIN A DAILY LOG THAT
13 REFLECTS THE NUMBER OF PATIENTS ADMITTED, RELEASED, AND PRESENT IN
14 THE UNIT, THE ACUITY LEVEL OF THE PATIENTS IN THE UNIT, THE NUMBER
15 OF REGISTERED PROFESSIONAL NURSES AND LICENSED PRACTICAL NURSES ON
16 DUTY IN THE UNIT, AND THE AVERAGE NURSE-TO-PATIENT RATIO FOR THAT
17 DAY. THESE RECORDS SHALL BE RETAINED FOR A PERIOD OF 7 YEARS AND
18 SHALL BE MADE AVAILABLE TO THE DEPARTMENT AND THE PUBLIC UPON
19 REQUEST, PROVIDED THAT THE INFORMATION RELEASED COMPLIES WITH
20 APPLICABLE STATE AND FEDERAL PRIVACY LAWS AND REGULATIONS.

21 (6) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A CONFIDENTIAL
22 SYSTEM THAT IS AVAILABLE TO THE PUBLIC FOR REPORTING A HOSPITAL'S
23 FAILURE TO COMPLY WITH ITS STAFFING PLAN OR ANY OTHER REQUIREMENTS
24 UNDER THIS SECTION. THE DEPARTMENT SHALL INVESTIGATE EACH COMPLAINT
25 RECEIVED AND SHALL NOTIFY THE COMPLAINANT IN WRITING OF THE RESULTS
26 OF A REVIEW OR INVESTIGATION OF THE COMPLAINT AND ANY ACTION
27 PROPOSED TO BE TAKEN. IF THE DEPARTMENT DETERMINES THAT A HOSPITAL

1 FAILED TO MAINTAIN ITS STAFF IN ACCORDANCE WITH THE STAFFING PLAN
2 AND STAFFING STANDARDS ESTABLISHED UNDER THIS SECTION, THE
3 DEPARTMENT MAY ASSESS THE HOSPITAL AN ADMINISTRATIVE FINE OF NOT
4 MORE THAN \$1,000.00 FOR EACH VIOLATION OR FOR EACH DAY THAT THE
5 VIOLATION CONTINUES.

6 (7) IF A HOSPITAL FAILS TO SUBMIT AN ANNUAL STAFFING PLAN AS
7 REQUIRED UNDER THIS SECTION, THE DEPARTMENT SHALL ASSESS THE
8 HOSPITAL AN ADMINISTRATIVE FINE OF UP TO \$10,000.00 FOR EACH
9 VIOLATION AND, IF THE STAFFING PLAN REMAINS UNFILED, FOR EACH DAY
10 OF CONTINUED NONCOMPLIANCE.

11 (8) AS USED IN THIS SECTION:

12 (A) "ACUITY SYSTEM" MEANS A SYSTEM ESTABLISHED TO MEASURE AND
13 PREDICT THE HOSPITAL'S NURSING CARE NEEDS FOR ITS PATIENTS IN EACH
14 HOSPITAL UNIT BASED ON THE SEVERITY OF THE ILLNESSES, THE NEED FOR
15 SPECIALIZED EQUIPMENT AND TECHNOLOGY, THE INTENSITY OF NURSING
16 INTERVENTIONS REQUIRED, AND THE COMPLEXITY OF THE CLINICAL JUDGMENT
17 NEEDED TO DESIGN, IMPLEMENT, AND EVALUATE A PATIENT CARE PLAN. IT
18 SHALL INCLUDE A MEANS TO ADDRESS FLUCTUATIONS IN PATIENT LEVELS AND
19 NURSING CARE NEEDS DUE TO OTHER HOSPITAL UNIT ACTIVITY INCLUDING,
20 BUT NOT LIMITED TO, DISCHARGES, TRANSFERS, AND ADMISSIONS.

21 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY HEALTH.

22 (C) "HOSPITAL UNIT" MEANS EACH PATIENT CARE COMPONENT WITHIN A
23 HOSPITAL.

24 (D) "STAFFING PLAN" MEANS A WRITTEN PLAN THAT ESTABLISHES THE
25 MINIMUM SPECIFIC NUMBER OF REGISTERED PROFESSIONAL NURSES AND
26 LICENSED PRACTICAL NURSES REQUIRED FOR EACH HOSPITAL UNIT BASED ON
27 THE NURSING CARE NEEDS OF THAT UNIT TO ENSURE SUFFICIENT NURSING

- 1 STAFF TO PROVIDE ADEQUATE PROTECTION AND CARE FOR ALL OF THE
- 2 HOSPITAL'S PATIENTS.