

House Bill 298

By: Representatives Kelley of the 16<sup>th</sup>, Hawkins of the 27<sup>th</sup>, O'Steen of the 169<sup>th</sup>, Hatchett of the 155<sup>th</sup>, and McCollum of the 30<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to  
2 regulation and construction of hospitals and other health care facilities, so as to provide  
3 requirements for nurse staffing in hospitals; to provide for definitions; to require a written  
4 nurse services staffing plan; to provide for an official nurse services staffing plan; to provide  
5 for the establishment of nurse staffing committees; to provide for annual reports of staffing  
6 information to the Department of Community Health; to provide for anonymous reports and  
7 investigations of unsafe staffing conditions; to establish an advisory commission; to provide  
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation and  
12 construction of hospitals and other health care facilities, is amended by revising Article 2,  
13 which is reserved, as follows:

## 14 "ARTICLE 2

15 ~~31-7-24.~~16 ~~Reserved.~~17 31-7-30.18 As used in this article, the term:

19 (1) 'Hospital' means a hospital which is permitted to operate by the department pursuant  
20 to Article 1 of this chapter, including a hospital maintained or operated by a hospital  
21 authority; provided, however, that this shall not include a state owned or operated  
22 hospital.

23 (2) 'Nurse services staffing plan' means the staffing plan required to be established by a  
24 hospital pursuant to Code Section 31-7-31.

25 (3) 'Nurse staffing committee' or 'committee' means the standing committee established  
26 by a hospital pursuant to Code Section 31-7-32.

27 (4) 'Patient care unit' means a unit or area of a hospital in which registered nurses provide  
28 patient care.

29 31-7-31.

30 (a) The governing body of a hospital shall adopt and implement a written nurse services  
31 staffing plan to ensure that an adequate number and skill mix of nurses are available to  
32 meet the level of patient care needed. Such plan shall include a process for:

33 (1) Requiring the hospital to give significant consideration to the nurse services staffing  
34 plan recommended by the hospital's nurse staffing committee and to that committee's  
35 evaluation of any existing plan;

36 (2) Adopting and implementing an official nurse services staffing plan that is based on  
37 the needs of each patient care unit and shift and on evidence relating to patient care  
38 needs;

39 (3) Using the official nurse services staffing plan as a component in setting the nurse  
40 staffing budget;

41 (4) Encouraging nurses to provide input to the committee relating to nurse staffing  
42 concerns;

43 (5) Protecting nurses who provide input to the committee from retaliation; and

44 (6) Monitoring compliance with any rules and regulations adopted by the department  
45 relating to nurse staffing.

46 (b) The written nurse services staffing plan adopted pursuant to subsection (a) of this Code  
47 section shall:

48 (1) Reflect current standards established by private accreditation organizations,  
49 governmental entities, national nursing professional associations, or other healthcare  
50 professional organizations;

51 (2) Set minimum staffing levels for patient care units that are:

52 (A) Based on multiple nurse and patient considerations; and

53 (B) Determined by the nursing assessment and in accordance with evidence based safe  
54 nursing standards;

55 (3) Include a method for adjusting the nurse services staffing plan for each patient care  
56 unit to provide staffing flexibility to meet patient needs; and

57 (4) Include a contingency plan when patient care needs unexpectedly exceed direct  
58 patient care staff resources.

59 (c) A hospital shall:

60 (1) Use the official nurse services staffing plan:

61 (A) As a component in setting the nurse staffing budget; and

62 (B) To guide the hospital in assigning nurses hospital wide; and

63 (2) Make readily available to nurses on each patient care unit at the beginning of each  
64 shift the official nurse services staffing plan levels and current staffing levels for that unit  
65 and that shift.

66 31-7-32.

67 (a) A hospital shall establish a nurse staffing committee as a standing committee of the  
68 hospital.

69 (b) The committee shall be composed of members who are representative of the types of  
70 nursing services provided in the hospital.

71 (c) The chief nursing officer of the hospital shall be a voting member of the committee.

72 (d) At least 50 percent of the members of the committee shall be registered nurses who:

73 (1) Provide direct patient care during at least 50 percent of their work time; and

74 (2) Represent different inpatient care units, such as, but not limited to, medical, surgical,  
75 intensive care, and cardiac units.

76 (e) The committee shall meet at least quarterly.

77 (f) The committee shall:

78 (1) Develop and recommend to the hospital's governing body a nurse services staffing  
79 plan that meets the requirements of Code Section 31-7-31;

80 (2) Review, assess, and respond to staffing concerns expressed to the committee;

81 (3) Identify the nurse-sensitive outcome measures the committee will use to evaluate the  
82 effectiveness of the official nurse services staffing plan;

83 (4) Evaluate, at least semiannually, the effectiveness of the official nurse services  
84 staffing plan and variations between the plan and the actual staffing; and

85 (5) Submit to the hospital's governing body, at least semiannually, a report on nurse  
86 staffing and patient care outcomes, including the committee's evaluation of the  
87 effectiveness of the official nurse services staffing plan and aggregate variations between  
88 the nurse services staffing plan and actual staffing.

89 (g) In evaluating the effectiveness of the official nurse services staffing plan, the  
90 committee shall consider patient needs, workforce shortages and availability,  
91 nurse-sensitive outcome measures, nurse satisfaction measures collected by the hospital,  
92 and evidence based nurse staffing standards.

93 31-7-33.

94 (a) A hospital shall annually report to the department, and the department shall include as  
95 a confidential addendum to the annual hospital questionnaire, the following information:

96 (1) Whether the hospital's governing body has adopted a nurse services staffing plan as  
97 required by Code Section 31-7-31;

98 (2) Whether the hospital has established a nurse staffing committee as required by Code  
99 Section 31-7-32 that meets the membership requirements of such Code section;

100 (3) Whether the nurse staffing committee has evaluated the hospital's official nurse  
101 services staffing plan as required by Code Section 31-7-32 and has reported the results  
102 of the evaluation to the hospital's governing body as provided by such Code section; and

103 (4) The nurse-sensitive outcome measures the committee adopted for use in evaluating  
104 the hospital's official nurse services staffing plan and an evaluation of the effectiveness  
105 of such measures.

106 (b) To the extent possible, the department shall collect the data required pursuant to  
107 subsection (a) of this Code section in conjunction with surveys or other data required to be  
108 submitted to the department under other laws or regulations.

109 (c) Such information shall not be subject to Article 4 of Chapter 18 of Title 50.

110 31-7-34.

111 (a) The department shall maintain a secure online portal for the submission by hospital  
112 staff members of anonymous reports of unsafe staffing conditions in any hospital.

113 (b) Upon receipt of a report of unsafe staffing conditions, the department shall forward the  
114 report to its Healthcare Facility Regulation Division for investigation and to the nurse  
115 staffing committee of the hospital that is the subject of the report.

116 (c) The Healthcare Facility Regulation Division shall investigate all reports of unsafe  
117 staffing conditions pursuant to Code Section 31-2-8. If the division determines that a  
118 patient care unit identified in a complaint did not deliver nursing services in accordance  
119 with patients' needs and generally accepted standards of practice on the date identified in  
120 the complaint or during an on-site investigation, the division shall take appropriate actions  
121 as authorized in Code Section 31-2-8.

122 31-7-35.

123 (a) There is hereby established an advisory commission, composed of nine members as  
124 follows:

125 (1) The following members appointed by the Governor:

126 (A) An expert in nursing practice, quality of nursing care, or patient care standards;

127 (B) A representative of an association representing nurses; and

128 (C) A representative of a hospital;

129 (2) The following members appointed by the President of the Senate:

130 (A) An expert in nursing practice, quality of nursing care, or patient care standards;

131 (B) A representative of an association representing nurses; and

132 (C) A representative of a hospital; and

133 (3) The following members appointed by the Speaker of the House of Representatives:

134 (A) An expert in nursing practice, quality of nursing care, or patient care standards;

135 (B) A representative of an association representing nurses; and

136 (C) A representative of a hospital.

137 (b) The members of the advisory commission shall serve at the pleasure of the appointing  
138 official. Members of the advisory commission shall keep confidential any information

139 received in the course of their duties and shall only use such information in the course of  
140 carrying out their duties on the advisory commission, except those reports required to be  
141 issued by the commission under this Code section, which shall only include de-identified  
142 information.

143 (c) The advisory commission shall convene annually in order to evaluate the effectiveness  
144 of the nurse staffing committees established pursuant to Code Section 31-7-32. Such  
145 review shall evaluate quantitative and qualitative data, including, but not limited to,  
146 whether staffing levels were improved and maintained, patient satisfaction, employee  
147 satisfaction, patient quality of care metrics, workplace safety, and any other metrics the  
148 advisory commission deems relevant.

149 (d) The advisory commission may collect and shall be provided all relevant information  
150 necessary to carry out its functions from the department and other appropriate state  
151 agencies. The commission may also invite testimony by experts in the field and from the  
152 public. In making its recommendations pursuant to subsection (e) of this Code section, the  
153 advisory commission shall analyze relevant data, including data and factors contained in  
154 subsection (a) of Code Section 31-7-31 related to nurse services staffing plans. The  
155 advisory commission may also make recommendations for additional or enhanced  
156 enforcement mechanisms or powers to address hospital failure to comply with this article  
157 and recommend the appropriation of funds for the department to enforce this article or to  
158 assist hospitals in hiring additional staff to comply with this article.

159 (e) The advisory commission shall submit to the Speaker of the House of Representatives,  
160 the President of the Senate, and the chairpersons of the House Committee on Health and  
161 Senate Health and Human Services Committee, and make available to the public, a report  
162 that includes recommendations for further legislative action, if any, in order to improve  
163 working conditions and quality of care in hospitals pursuant to the intent of this article.

164 (f) Any information collected pursuant to Code Section 31-7-33 and provided to the  
165 advisory commission shall not be subject to Article 4 of Chapter 18 of Title 50."

166

**SECTION 2.**

167 All laws and parts of laws in conflict with this Act are repealed.