

THE PATIENT SAFETY ACT

THE PATIENT SAFETY ACT (PA HOUSE BILL 106 AND PA SENATE BILL 240) WOULD MANDATE, THROUGH LEGISLATION, SAFE STAFFING STANDARDS IN HOSPITALS ACROSS THE STATE.

House Bill 106

Introduced in February by prime cosponsors Reps. Thomas L. Mehaffie, III (R), and Kathleen C. Tomlinson (R), serving Bucks County

Senate Bill 240

Introduced in August by prime cosponsor Sen. Maria Collett (D), serving parts of Bucks and Montgomery Counties and a nurse herself.

Bill Basics

The two, identical versions of the Patient Safety Act – the bill introduced in the House (HB 106) and the bill introduced in the Senate (SB 240) – would each limit the number of patients an RN can be assigned depending on the level of care the patient requires. The wording is very specific. In a lengthy, 17-item list, Section 840-A of the bills mandates these minimum nurse-to-patient staffing standards per unit:

UNIT	NURSE-TO-PATIENT MINIMUM STANDARD
ICU	1:2 or fewer
Critical Care Unit	1:2 or fewer
Neonatal ICU	1:2 or fewer
Burn Unit	1:2 or fewer
Step-down Intermediate Care Unit	1:3 or fewer
OR	At least 1 direct care RN assigned to the duties of the circulating RN and a minimum of 1 additional person as a scrub assistant for each patient-occupied OR
Postanesthesia Recovery Unit	1:2 or fewer
Patients Receiving Conscious Sedation	1:1 at all times
ER	1:4 or fewer; 1:2 or fewer for critical care patients in the ER; 1:1 or fewer for critical trauma patients in the ER
Labor and Delivery	1:1 for active labor patients and patients with medical or obstetrical complications; 1:1 for initiating epidural anesthesia and circulation for cesarean delivery; 1:2 or fewer for patients in immediate postpartum

continued on reverse

UNIT	NURSE-TO-PATIENT MINIMUM STANDARD
Antepartum Patients Not in Active Labor	1:3 or fewer; 4 or fewer mothers plus infants for cesarean deliveries; 6 or fewer mothers plus infants in the event of multiple births; 1:4 or fewer for postpartum areas in which the RN's assignment is care for mothers only; 1:4 or fewer for postpartum women or postsurgical gynecological patients; 1:5 or fewer for newborns in well baby nursery; 1:1 for unstable newborns and those in the resuscitation period; 1:4 or fewer for recently born infants
Pediatrics	1:3 or fewer
Telemetry	1:3 or fewer
Med/Surg	1:4 or fewer; 1:4 or fewer for presurgical and admissions units or ambulatory surgical units
Other Specialty Units	1:4 or fewer
Psychiatric Unit	1:4 or fewer
Rehabilitation Unit	1:5 or fewer

PLUS:

Safe Harbor

Both bills include protections for nurses from “adverse action by the healthcare facility where the nurse is working when the nurse makes a good-faith request to reject an assignment based on the nurse’s own education, knowledge, competence and experience, and an immediate assessment of the risk for patient safety.”

No Mandatory Overtime

Hospitals may not impose mandatory overtime requirements to meet the minimum staffing standards mandated by both bills.

Fines

Hospitals found to have violated provisions within the bills will be subject to monetary penalties. Plus: They can be held liable to the employee in a lawsuit.

Committee Review

A review committee, half of whom must be RNs elected by staff nurses on their respective units, must review the minimum standards set forth in the bills annually or more frequently to decide whether they meet patient-care needs.

These limits were set by nurses to ensure a minimum standard of care that every Pennsylvanian, no matter where they seek medical care, deserves. PASNAP, the Pennsylvania State Nurses Association, and Nurses of Pennsylvania -- among other organizations -- all support this legislation.

“This legislation is an important part of keeping hospital patients safe and ensuring they receive the best care possible. In addition, the Patient Safety Act represents an excellent way for hospitals to make an investment in patient care that will pay dividends in overall savings.”

–From the introductory memorandum attached to both bills



*Pennsylvania
Association of Staff
Nurses & Allied
Professionals*