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SENATE BILL 6057

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Schoesler, Franklin, Carrell, Keiser, Regala, Marr, Fairley, Shin, Rasmussen and Roach

Read first time 02/16/2007. Referred to Committee on Human Services & Corrections.

1            AN ACT Relating to improving safety in state hospitals; adding new  
2 sections to chapter 72.23 RCW; and creating new sections.

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

4            NEW SECTION.    **Sec. 1.** The legislature finds that the continuing  
5 number of assaults in state hospitals have made conditions for both  
6 patients and staff unacceptable. The legislature further finds that  
7 appropriate nurse staffing levels will result in improved patient and  
8 staff safety and a reduction in the number of workplace injuries.  
9 Therefore, to improve safety conditions in the state hospitals, the  
10 legislature intends that minimum patient assignment limits and nurse  
11 staffing ratios and other safety measures be implemented as an urgent  
12 public policy priority.

13            NEW SECTION.    **Sec. 2.** The definitions in this section apply  
14 throughout this section and sections 1 and 3 through 7 of this act  
15 unless the context clearly requires otherwise.

16            (1) "Intensity" means the level of patient needs in terms of  
17 nursing care as determined by a registered nurse providing direct  
18 patient care, taking into account at least the following factors:

- 1 (a) The severity and urgency of the patient's condition;
- 2 (b) The complexity of either planning or providing, or both, the  
3 care required by the patient;
- 4 (c) Scheduled or anticipated procedures or events, including those  
5 that necessitate increased frequency of assessment or intervention;
- 6 (d) Age and cognitive and functional ability of the patient,  
7 including ability to perform self-care activities;
- 8 (e) The availability of patient social supports including  
9 institutional, family, or community support;
- 10 (f) The level of patient adherence or ability to comply with  
11 patient care;
- 12 (g) Patient and family educational needs, including assessment of  
13 learning capabilities of patient and family;
- 14 (h) Intactness of family unit, the availability of family to  
15 provide either emotional support or functional support, or both, and  
16 the ability of the family to participate in patient decision-making  
17 processes;
- 18 (i) The communication skills of the patient; and
- 19 (j) Other needs identified by the patient and by the registered  
20 nurse.
- 21 (2) "Nursing personnel" means registered nurses, licensed practical  
22 nurses, and other nursing staff providing direct patient care.
- 23 (3) "Patient" means the same as defined in RCW 72.23.010.
- 24 (4) "Patient assignment limits" means the maximum number of  
25 patients that a hospital may assign to nursing personnel at any one  
26 time.
- 27 (5) "Patient care unit" means any unit or area of a state hospital  
28 that provides patient care.
- 29 (6) "Staffing committee" means the advisory committee on nurse  
30 staffing established by a state hospital under section 3 of this act.
- 31 (7) "Staffing ratio" means the ratio of nursing personnel to the  
32 actual number of patients within a patient care unit.

33 NEW SECTION. **Sec. 3.** By September 1, 2007, each state hospital  
34 must establish an advisory committee on staffing. The staffing  
35 committee consists of nine members, at least five of whom must provide  
36 direct patient care. The staffing committee shall:

1 (1) Recommend patient assignment limits to be adopted by the  
2 department under section 4 of this act;

3 (2) Recommend classifications of patient care units and appropriate  
4 staffing ratios to be adopted by the department under section 4 of this  
5 act;

6 (3) Make recommendations to the state hospital and the safety  
7 committee regarding safe equipment and personal alarm system policies;  
8 and

9 (4) Make other recommendations regarding the development and  
10 implementation of hospital staffing plans that the staffing committee  
11 deems necessary.

12 NEW SECTION. **Sec. 4.** (1) By January 1, 2008, the department must  
13 establish, after considering the recommendations of the staffing  
14 committee:

15 (a) Patient assignment limits by nursing personnel classification.  
16 Patient assignment limits apply to individual nursing personnel  
17 assignments, and may not be construed as establishing average  
18 assignments for a hospital or patient care unit. The limits apply at  
19 all times that a registered nurse is on duty, including times when  
20 nursing personnel are away from the unit, on a break, or otherwise not  
21 providing direct patient care; and

22 (b) A staffing ratio for each patient care unit at a state  
23 hospital. In developing the staff ratios, the department must classify  
24 patient care units by staffing need according to the intensity of the  
25 patients needing the most intensive care within the unit. For those  
26 units with the highest level of staffing need, the staffing ratio must  
27 be at least 1.2 to 1. However, patients requiring one-on-one direct  
28 patient care must be given constant monitoring, and at no time may one  
29 member of nursing personnel monitor more than one patient needing one-  
30 on-one care. In establishing staffing ratios, the department must  
31 consider the number of staff necessary to ensure that there is adequate  
32 response time to personal alarms at all times.

33 (2) The staffing ratio represents the maximum number of patients  
34 that may be assigned to any nursing personnel providing direct care at  
35 any one time in that unit. "Assigned" means that the nursing personnel  
36 has responsibility for the provision of care to a particular patient

1 within his or her scope of practice. In implementing the staffing  
2 ratio:

3 (a) The staff ratio may not be used in a manner that averages the  
4 number of patients and the total number of nursing personnel on the  
5 unit during any one shift or over any period of time;

6 (b) Only nursing personnel who are providing direct patient care,  
7 are present in the unit, are awake and on duty, and have the necessary  
8 qualifications determined by the staffing committee to provide the  
9 necessary nursing services for clients admitted for care may be  
10 included in the ratios; and

11 (c) The staffing ratio may not include nursing personnel who are  
12 engaged in activities other than direct patient care, including being  
13 on meal breaks or other statutorily mandated work breaks, on leave for  
14 vacation, sickness, or injury, or who are covering other patient units.

15 (3) Regardless of the minimum staffing ratio, the facility must  
16 employ professional and other staff on all shifts in the number and  
17 with the qualifications to provide the necessary services for those  
18 patients admitted for care including, but not limited to, food service,  
19 maintenance, and janitorial services.

20 (4) The department must post the staffing ratios in each patient  
21 care unit and update the posting each time any changes are made in  
22 staffing ratios. At least once every quarter, the department must  
23 publish on its web site the staffing ratios for each patient care unit  
24 of each state hospital. The publication must include the number of  
25 patients within each unit, the specific classification of each patient,  
26 and the specific titles of direct care staff assigned to such unit.  
27 The publication must also include a comparison of the current staffing  
28 ratios to the previous quarter's staffing ratios.

29 (5) Nothing in this section may be construed to prevent a state  
30 hospital from raising the staffing levels due to the staffing need in  
31 each patient unit.

32 NEW SECTION. **Sec. 5.** (1) Each state hospital must ensure that all  
33 nursing personnel are equipped with a properly functioning personal  
34 alarm at all times that the employee is on duty.

35 (2) Each state hospital must establish, after considering the  
36 recommendations of the staffing and safety committees:

1 (a) The frequency with which the personal alarms must be tested to  
2 ensure that the alarms: (i) Are in proper working order; and (ii)  
3 transmit signals from all areas of the patient care unit; and

4 (b) A minimum response time within which a staff member with  
5 accident-incident training shall respond to an activated alarm.

6 NEW SECTION. **Sec. 6.** (1) Each state hospital must provide staff  
7 with protective safety equipment. The state hospital and the safety  
8 committee must determine within six months of the effective date of  
9 this section:

10 (a) The types of equipment needed;

11 (b) The proper locations to store the equipment;

12 (c) The quantities of equipment necessary to ensure that all staff  
13 are equipped with or have easy access to personal protective equipment;  
14 and

15 (d) Policies on the effective use of the equipment.

16 (2) All direct care workforce must receive training on the use of  
17 the equipment, which shall:

18 (a) Take place during an employee's regularly scheduled work hours;  
19 and

20 (b) Include instruction on how and when to use the equipment.

21 (3) Each state hospital and safety committee must examine the types  
22 of equipment and furniture that are frequently used by patients in  
23 assaults on other patients, staff, or self. The state hospital must  
24 examine alternatives that may include, but are not limited to:

25 (a) The purchase of new equipment and furniture that does not have  
26 the same potential to inflict injury; and

27 (b) Securing equipment and furniture so that it may not be used to  
28 inflict injury.

29 (4) The state hospital must consider the recommendations of the  
30 staffing and safety committees in fulfilling its obligations under this  
31 section.

32 NEW SECTION. **Sec. 7.** Each member of the state hospital safety  
33 committee shall receive accident-incident training. The safety  
34 committee shall determine the number of additional nursing personnel  
35 who must have accident-incident training in order to ensure that the

1 staff can adequately respond to incidents involving patient or staff  
2 safety.

3 NEW SECTION. **Sec. 8.** The department of labor and industries shall  
4 inspect the state hospitals every six months to determine whether the  
5 provisions of this act are being followed. The department of labor and  
6 industries shall report to the legislature by November 25, 2007, with  
7 annual reports due by December 15th thereafter.

8 NEW SECTION. **Sec. 9.** The department of social and health services  
9 shall adopt rules necessary to implement this act.

10 NEW SECTION. **Sec. 10.** Sections 2 through 8 of this act are each  
11 added to chapter 72.23 RCW.

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