

AMENDMENTS TO SENATE BILL NO. 115

Sponsor: SENATOR COLLETT

Printer's No. 473

1 Amend Bill, page 30, by inserting between lines 4 and 5

2 Section 5. Nursing staff report.

3 (a) General rule.--A hospital shall compile a daily report
4 on each patient care unit and shift containing the following
5 information:

6 (1) The number of each of the following types of staff
7 per four-hour time period providing direct patient care:

8 (i) Registered nurses.

9 (ii) Licensed practical nurses.

10 (iii) Certified nursing assistants.

11 (iv) Unlicensed personnel.

12 (2) The relative number of patients to each of the
13 following types of staff:

14 (i) Registered nurses.

15 (ii) Licensed practical nurses.

16 (iii) Certified nursing assistants.

17 (iv) Unlicensed personnel.

18 (3) The current direct care nurse staffing schedule and
19 assignment roster.

20 (4) The availability, by number of hours on the shift,
21 that a unit clerk or unit secretary is available exclusively
22 for the specified patient care unit.

23 (5) Whether patients requiring scheduled or emergency
24 respiratory treatments have had treatments that were
25 administered by a respiratory therapist or the direct care
26 nursing staff of the unit.

27 (6) Percentage of temporary or agency nurses who are
28 employed by an outside entity included in the shift staff.

29 (7) The methods used by the hospital for determining and
30 adjusting staffing levels.

31 (8) The registered nurse, licensed practical nurse and
32 certified nursing assistant turnover rate for the previous
33 month.

34 (9) The number and types of complaints under the act of
35 June 10, 2009 (P.L.1, No.1), known as the Preventable Serious
36 Adverse Events Act, filed with the hospital concerning
37 patient care for the previous month.

38 (b) Reporting method.--The reports required under subsection

1 (a) shall be compiled as follows:

2 (1) For each patient care unit, a hospital shall count
3 the number of patients and direct care nursing staff based on
4 hours worked for each category of direct care nursing staff,
5 excluding other licensed health care professionals, one hour
6 before the end of each shift.

7 (2) For each emergency department, a hospital shall
8 count the number of patients registered during the four-hour
9 shift and the number of direct care nursing staff based on
10 hours worked for each category of direct care nursing staff,
11 excluding other licensed health care professionals, one hour
12 before the end of each shift.

13 (3) For each postanesthesia care unit, a hospital shall
14 count the number of patients that were in the postanesthesia
15 care unit during the shift and the number of direct care
16 nursing staff, based on hours worked for each category of
17 direct care nursing staff, excluding other licensed health
18 care professionals, one hour before the end of each shift.

19 (4) For each mother and baby unit, a hospital shall
20 report direct care nursing staff hours under the obstetrics
21 unit, not the newborn nursery. A mother and baby should each
22 be reported as a separate patient.

23 (5) For each psychiatric and behavioral unit, licensed
24 mental health counselors, activity therapists and
25 recreational therapists providing direct patient care shall
26 be considered as licensed practical nurses. Staffing hours
27 for unlicensed mental health technicians or other unlicensed
28 personnel will be included as unlicensed personnel hours.

29 (6) Graduate nurses who participate in an internship
30 program shall not be included in determining the relative
31 number of patients to direct care nursing staff, except
32 orientee or graduate nurse hours shall be included when the
33 graduate nurse has completed the designated time-defined
34 orientation and reaches the point where the graduate nurse is
35 considered part of the staff matrix, the graduate nurse's
36 work hours are charged to the unit and the graduate nurse is
37 replaced if the nurse calls in sick.

38 (7) When a direct care nurse works beyond the nurse's
39 shift into the next shift, the actual hours should be
40 included in the daily posting forms for all shifts that the
41 nurse worked.

42 (8) Hospital management and support staff who do not
43 provide direct patient care may not be included in the daily
44 reporting forms.

45 (9) Sitters, including registered nurses acting as
46 sitters, will be considered unlicensed assistant personnel
47 only if they provide other direct patient care in addition to
48 observation. Sitters providing only companion service may not
49 be included in the actual hours worked for unlicensed
50 assistant personnel.

51 (10) When overflow beds are used for patients, the

1 patients shall be included in the daily report of the patient
2 care unit where the patient is receiving care.

3 (11) The staff relative number reporting shall be to one
4 decimal point. If a hospital patient care unit does not have
5 a direct care nursing staff for a particular category, a zero
6 should be entered on the report for that staff category.

7 Section 6. Report posting.

8 (a) General rule.--A hospital shall post the report required
9 under section 5 as follows:

10 (1) The report, with respect to each shift, shall be
11 posted no later than one hour after the beginning of the next
12 shift.

13 (2) The report shall be prominently displayed in a
14 location visible to the public on the patient unit.

15 (3) The report shall be easily readable in its posted
16 form.

17 (b) Submission to department.--A hospital shall submit the
18 reports required under section 5 for the previous month to the
19 Department of Health of the Commonwealth no later than the 15th
20 day of each month.

21 (c) Retention of records.--Reports and records required to
22 be compiled under section 5(a) shall be retained by the hospital
23 for a period of five years and be posted on the hospital's
24 publicly accessible Internet website.

25 (d) Divisions and subsidiaries.--If a hospital is a division
26 or subsidiary of another entity that owns or operates another
27 hospital or related organizations, the reports under section 5
28 shall be for the specific division or subsidiary and not for
29 another entity.

30 Section 7. Whistleblower protection.

31 (a) General rule.--A hospital shall not discriminate,
32 retaliate, intimidate, threaten or punish an employee with
33 respect to compensation or the terms, conditions or privileges
34 of employment when the employee in good faith, individually or
35 in conjunction with another person, does any of the following:

36 (1) Discloses to a nursing staff supervisor or manager,
37 private accreditation organization, nurse's collective
38 bargaining agent or regulatory agency, an activity, policy or
39 practice of a hospital that violates this act or other law or
40 rule or that the employee believes poses a risk to the
41 health, safety or welfare of a patient or the public.

42 (2) Initiates, cooperates or otherwise participates in
43 an investigation or proceeding brought by a regulatory agency
44 or private accreditation body concerning matters covered by
45 this act or a law or rule that the employee reasonably
46 believes poses a risk to the health, safety or welfare of a
47 patient or the public.

48 (3) Objects or refuses to participate in an activity,
49 policy or practice of a hospital that violates this act or a
50 law or rule the department or a reasonable person would
51 believe poses a risk to the health, safety and welfare of a

1 patient or the public.

2 (4) Participates in a committee or peer review process
3 or files a report of complaint that discusses allegations of
4 unsafe, dangerous or potentially dangerous care within a
5 hospital.

6 (b) Employee good faith.--An employee is presumed to act in
7 good faith if the employee reasonably believes the following:

8 (1) The information reported or disclosed is true.

9 (2) A staffing violation has occurred or may occur.

10 (c) Notice to hospital.--

11 (1) The protection under subsection (a) shall not apply
12 to an employee unless the employee gives written notice to a
13 direct nursing supervisor or direct nursing manager of the
14 activity, policy, practice or violation that the employee
15 believes poses a risk to the health of a patient or the
16 public and provides the manager a reasonable opportunity to
17 correct the problem.

18 (2) The direct nursing supervisor or direct nursing
19 manager shall respond in writing to the employee within seven
20 days to acknowledge that the notice was received. The direct
21 nursing supervisor or direct nursing manager shall provide
22 written notice of an action taken within a reasonable time of
23 receiving the employee's notice.

24 (d) Forms.--The Department of Health of the Commonwealth
25 shall develop standardized reporting forms to be used in all
26 hospitals for reporting under this section.

27 Section 8. Quarterly reports.

28 (a) General rule.--The Department of Health of the
29 Commonwealth shall produce a quarterly report for each hospital
30 that shows the average direct care nurse staffing levels for
31 each unit for a three-month period as follows:

32 (1) Relative number of patients to staff for each type
33 of patient care unit.

34 (2) Turnover rate for direct care nursing staff.

35 (3) Percentage of contractual direct care nursing staff
36 utilized.

37 (4) Daily numbers of direct care nursing staff and
38 patients in the emergency department.

39 (5) Daily number of nonregistered nurse health care
40 practitioners.

41 (b) Posting.--The quarterly reports produced under
42 subsection (a) shall be made available to the public on the same
43 publicly accessible Internet website as the quality control
44 measures reporting for health care facilities. The Department of
45 Health of the Commonwealth shall post quarterly reports January
46 31, April 30, July 31 and October 31 of each year. The data in
47 the quarterly reports must cover a period ending not earlier
48 than one month prior to submission of the report.

49 Section 9. Monitoring.

50 The Department of Health of the Commonwealth shall be
51 responsible for monitoring the reports from all hospitals in

1 this Commonwealth for variances between periods and to compare
2 the reports to the reported quality control measures to
3 determine if there are correlations or deficiencies in the
4 quality control measures.

5 Section 10. Compliance by hospitals.

6 The Department of Health of the Commonwealth shall be
7 responsible for ensuring compliance with this act as a condition
8 of licensure under the act of July 19, 1979 (P.L.130, No.48),
9 known as the Health Care Facilities Act, and shall enforce
10 compliance in accordance with the provisions of the Health Care
11 Facilities Act.

12 Amend Bill, page 30, line 5, by striking out "5" and
13 inserting

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