

ASSEMBLY BILL

No. 2144

Introduced by Assembly Member Yamada

February 20, 2014

An act to add Section 1276.45 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2144, as introduced, Yamada. Staff-to-patient ratios.

Existing law provides for the licensure and regulation of health facilities, including acute psychiatric hospitals, by the State Department of Public Health. A violation of those provisions is a crime.

This bill would require the department to adopt regulations by January 1, 2016, that establish minimum, specific, and numerical licensed nursing staff-to-patient ratios by licensing classification and minimum, specific, and numerical ancillary staff-to-patient ratios for acute psychiatric hospitals, as prescribed. By expanding the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1276.45 is added to the Health and Safety
2 Code, immediately following Section 1276.4, to read:

3 1276.45. (a) By January 1, 2016, the State Department of
4 Public Health shall adopt regulations that establish minimum,
5 specific, and numerical licensed nursing staff-to-patient ratios by
6 licensed nursing classification and minimum, specific, and
7 numerical ancillary staff-to-patient ratios for all health facilities
8 licensed pursuant to subdivision (b) of Section 1250.

9 (1) Administrative, supervisory, and non-unit-based staff shall
10 not be included when calculating staff-to-patient ratios. Ratios
11 shall be calculated on a unit-by-unit basis. Averaged figures across
12 units shall not be used in determining staff-to-patient ratios.

13 (2) Under no circumstances shall the minimum, specific, and
14 numerical licensed nursing staff-to-patient ratios by licensed
15 nursing staff classification or ancillary staff-to-patient ratios be
16 below the following standards for safe staffing and effective
17 psychiatric care purposes:

18 (A) For long-term units, the ratio for each of the four ancillary
19 staff classifications described in paragraph (1) of subdivision (g)
20 shall be not less than one ancillary staff person for each 25
21 residents. Nursing staff-to-patient ratios for these units shall be
22 not less than one licensed nurse or psychiatric technician for each
23 six residents during day and evening shifts, and not less than one
24 licensed nurse or psychiatric technician for each 12 residents during
25 overnight shifts.

26 (B) For admissions units, the ratio for each of the four ancillary
27 staff classifications described in paragraph (1) of subdivision (g)
28 shall be not less than one ancillary staff person for each 15
29 residents. Nursing staff ratios for these units shall be not less than
30 one licensed nurse or psychiatric technician for each six residents
31 during day and evening shifts and not less than one licensed nurse
32 or psychiatric technician for each 12 residents during overnight
33 shifts.

34 (C) For units that have severely aggressive or severely
35 self-injurious patients, including, but not limited to, enhanced
36 treatment units and units that practice dialectical behavioral
37 therapy, the ratio for each of the four ancillary staff classifications
38 described in paragraph (1) of subdivision (g) shall not be less than

1 1 ancillary staff person for each 12 residents. Nursing staff ratios
2 for these units shall be not less than one licensed nurse or
3 psychiatric technician for each six residents during day and evening
4 shifts and not less than one licensed nurse or psychiatric technician
5 for each 12 residents during overnight shifts.

6 (b) The department shall review these regulations five years
7 after adoption and shall report to the Legislature regarding any
8 proposed changes.

9 (c) These ratios shall constitute the minimum number of staff
10 that shall be allocated. Additional staff shall be assigned in
11 accordance with a documented patient classification system for
12 determining nursing care requirements, including the severity of
13 the illness, the need for specialized equipment and technology, the
14 complexity of clinical judgment needed to design, implement, and
15 evaluate the patient care plan and the ability for self-care, and the
16 licensure of the personnel required for care.

17 (d) The department may grant a waiver to this section if the
18 waiver does not jeopardize the health, safety, and well-being of
19 patients and staff affected and is needed for increased operational
20 efficiency.

21 (e) In case of conflict between this section and any provision
22 or regulation implementing that provision defining the scope of
23 practice for nursing staff or ancillary staff, the scope of practice
24 provisions shall control.

25 (f) The regulations adopted by the department pursuant to this
26 section shall augment and not replace existing nurse-to-patient
27 ratios that exist in law and regulation.

28 (g) For purposes of this section, the following definitions shall
29 apply:

30 (1) "Ancillary staff" means rehabilitation therapists, licensed
31 social workers, psychologists, and psychiatrists.

32 (2) "Nursing staff" means registered nurses and licensed
33 psychiatric technicians.

34 SEC. 2. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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