

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2144**

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**Introduced by Assembly Member Yamada**

February 20, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2144, as amended, 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. *Existing law establishes the State Department of State Hospitals and sets forth its powers and duties relating to the administration of state hospitals.*

This bill would require the ~~department~~ *State Department of Public Health* 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~~, *health facilities that are operated by the State Department of State 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-no*.

*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.~~ *Section 1250*  
9 *that are operated by the State Department of State Hospitals.*  
10 (1) Administrative, supervisory, and non-unit-based staff shall  
11 not be included when calculating staff-to-patient ratios. Ratios  
12 shall be calculated on a unit-by-unit basis. Averaged figures across  
13 units shall not be used in determining staff-to-patient ratios.  
14 (2) Under no circumstances shall the minimum, specific, and  
15 numerical licensed nursing staff-to-patient ratios by licensed  
16 nursing staff classification or ancillary staff-to-patient ratios be  
17 below the following standards for safe staffing and effective  
18 psychiatric care purposes:  
19 (A) For long-term units, the ratio for each of the four ancillary  
20 staff classifications described in paragraph (1) of subdivision (g)  
21 shall be not less than one ancillary staff person for each 25  
22 residents. Nursing staff-to-patient ratios for these units shall be  
23 not less than one licensed nurse or psychiatric technician for each  
24 six residents during day and evening shifts, and not less than one  
25 licensed nurse or psychiatric technician for each 12 residents during  
26 overnight shifts.  
27 (B) For admissions units, the ratio for each of the four ancillary  
28 staff classifications described in paragraph (1) of subdivision (g)  
29 shall be not less than one ancillary staff person for each 15  
30 residents. Nursing staff ratios for these units shall be not less than  
31 one licensed nurse or psychiatric technician for each six residents  
32 during day and evening shifts and not less than one licensed nurse  
33 or psychiatric technician for each 12 residents during overnight  
34 shifts.

1 (C) For units that have severely aggressive or severely  
2 self-injurious patients, including, but not limited to, enhanced  
3 treatment units and units that practice dialectical behavioral  
4 therapy, the ratio for each of the four ancillary staff classifications  
5 described in paragraph (1) of subdivision (g) shall not be less than  
6 ~~1~~ *one* ancillary staff person for each 12 residents. Nursing staff  
7 ratios for these units shall be not less than one licensed nurse or  
8 psychiatric technician for each six residents during day and evening  
9 shifts and not less than one licensed nurse or psychiatric technician  
10 for each 12 residents during overnight shifts.

11 (b) The department shall review these regulations five years  
12 after adoption and shall report to the Legislature regarding any  
13 proposed changes.

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

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

26 (e) In case of *a* conflict between this section and any provision  
27 or regulation implementing that provision defining the scope of  
28 practice for nursing staff or ancillary staff, the scope of practice  
29 provisions shall control.

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

33 (g) For purposes of this section, the following definitions shall  
34 apply:

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

37 (2) "Nursing staff" means registered nurses and licensed  
38 psychiatric technicians.

39 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
40 ~~Section 6 of Article XIII B of the California Constitution because~~

1 ~~the only costs that may be incurred by a local agency or school~~  
2 ~~district will be incurred because this act creates a new crime or~~  
3 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
4 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
5 ~~the Government Code, or changes the definition of a crime within~~  
6 ~~the meaning of Section 6 of Article XIII B of the California~~  
7 ~~Constitution.~~

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