

HOUSE BILL No. 5049

August 13, 2003, Introduced by Reps. Wojno, Sak, Minore, Paletko, Spade, Bieda, Accavitti, Tobocman, Brown, Gillard, O'Neil, Adamini, Anderson, Woodward, Plakas, Vagnozzi, Law, Zelenko, Byrum, Gielegthem, Farrah, Meisner, Jamnick, Williams, Reeves, Cheeks, Condino, Kolb, McConico, Rivet and Daniels and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21513 (MCL 333.21513), as amended by 2002 PA
125, and by adding section 21525.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21513. The owner, operator, and governing body of a
2 hospital licensed under this article:

3 (a) Are responsible for all phases of the operation of the
4 hospital, selection of the medical staff, and quality of care
5 rendered in the hospital.

6 (b) Shall cooperate with the department in the enforcement of
7 this part, and require that the physicians, dentists, and other
8 personnel working in the hospital who are required to be licensed
9 or registered are in fact currently licensed or registered.

10 (c) Shall assure that physicians and dentists admitted to

1 practice in the hospital are granted hospital privileges
2 consistent with their individual training, experience, and other
3 qualifications.

4 (d) Shall assure that physicians and dentists admitted to
5 practice in the hospital are organized into a medical staff to
6 enable an effective review of the professional practices in the
7 hospital for the purpose of reducing morbidity and mortality and
8 improving the care provided in the hospital for patients. The
9 review shall include the quality and necessity of the care
10 provided and the preventability of complications and deaths
11 occurring in the hospital.

12 (e) Shall not discriminate because of race, religion, color,
13 national origin, age, or sex in the operation of the hospital
14 including employment, patient admission and care, room
15 assignment, and professional or nonprofessional selection and
16 training programs, and shall not discriminate in the selection
17 and appointment of individuals to the physician staff of the
18 hospital or its training programs on the basis of licensure or
19 registration or professional education as doctors of medicine,
20 osteopathic medicine and surgery, or podiatry.

21 (f) Shall assure that the hospital adheres to medical control
22 authority protocols according to section 20918.

23 (g) Shall assure that the hospital develops and maintains a
24 plan for biohazard detection and handling.

25 (h) Shall assure that the hospital develops and maintains a
26 staffing plan according to section 21525.

27 Sec. 21525. (1) The department may refuse to license a

1 hospital under this part if the hospital fails to develop an
2 acuity system that is approved by the department or to submit an
3 annual staffing plan as prescribed under this section. The
4 department shall promulgate rules prescribing the process for
5 approving a hospital's acuity system and staffing plan and any
6 other rules reasonably necessary to carry out its functions and
7 duties under this section.

8 (2) The staffing plan shall be based on reasonable
9 projections derived from the patient census and nursing care
10 needs within each hospital unit for the previous year and shall
11 take into consideration any foreseeable changes within the
12 hospital unit for the next year. The staffing plan shall
13 include, at a minimum, the following nurse-to-patient ratios:

14 (a) One nurse for each patient in an operating room or trauma
15 emergency unit.

16 (b) One nurse for every 2 patients in each critical care unit
17 including, but not limited to, a labor and delivery unit or a
18 postanesthesia unit.

19 (c) One nurse for every 3 patients in an antepartum,
20 emergency room, pediatrics, step-down, or telemetry unit.

21 (d) One nurse for every 4 patients in an intermediate care
22 nursery or a medical, surgical, or acute care psychiatric unit.

23 (e) One nurse for every 5 patients in a rehabilitation unit.

24 (f) One nurse for every 6 patients in a postpartum or
25 well-baby nursery unit.

26 (3) The department may establish minimum nurse-to-patient
27 ratios for any other hospital unit not included under subsection

1 (2).

2 (4) A hospital shall post in a conspicuous place readily
3 accessible to the public a notice that is developed and provided
4 by the department which outlines the mandatory minimum
5 nurse-to-patient ratios required to be maintained under this
6 section. The notice shall include information about the
7 confidential reporting system established under subsection (6).
8 Upon request, the hospital shall provide copies of the staffing
9 plan filed with the department to the public.

10 (5) Each hospital unit shall maintain a daily log that
11 reflects the number of patients admitted, released, and present
12 in the unit, the acuity level of the patients in the unit, the
13 number of registered professional nurses and licensed practical
14 nurses on duty in the unit, and the average nurse-to-patient
15 ratio for that day. These records shall be retained for a period
16 of 7 years and shall be made available to the department and the
17 public upon request, provided that the information released
18 complies with applicable state and federal privacy laws and
19 regulations.

20 (6) The department shall develop and implement a confidential
21 system that is available to the public for reporting a hospital's
22 failure to comply with its staffing plan or any other
23 requirements under this section. The department shall
24 investigate each complaint received and shall notify the
25 complainant in writing of the results of a review or
26 investigation of the complaint and any action proposed to be
27 taken. If the department determines that a hospital failed to

1 maintain its staff in accordance with the staffing plan and
2 staffing standards established under this section, the department
3 may assess the hospital an administrative fine of not more than
4 \$1,000.00 for each violation or for each day that the violation
5 continues.

6 (7) If a hospital fails to submit an annual staffing plan as
7 required under this section, the department shall assess the
8 hospital an administrative fine of up to \$10,000.00 for each
9 violation and, if the staffing plan remains unfiled, for each day
10 of continued noncompliance.

11 (8) As used in this section:

12 (a) "Acuity system" means a system established to measure and
13 predict the hospital's nursing care needs for its patients in
14 each hospital unit based on the severity of the illnesses, the
15 need for specialized equipment and technology, the intensity of
16 nursing interventions required, and the complexity of the
17 clinical judgment needed to design, implement, and evaluate a
18 patient care plan. It shall include a means to address
19 fluctuations in patient levels and nursing care needs due to
20 other hospital unit activity including, but not limited to,
21 discharges, transfers, and admissions.

22 (b) "Department" means the department of consumer and
23 industry services.

24 (c) "Hospital unit" means each patient care component within
25 a hospital.

26 (d) "Staffing plan" means a written plan that establishes the
27 minimum specific number of registered professional nurses and

1 licensed practical nurses required for each hospital unit based
2 on the nursing care needs of that unit to ensure sufficient
3 nursing staff to provide adequate protection and care for all of
4 the hospital's patients.