THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

March 16, 2023

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin
Director of Budget and Policy Analysis

FROM: Kassandra Fields
Legislative Budget and Policy Analyst

Policy Analysis and Fiscal Impact Statement
CR-013-2023 Nurse Patient Ratios

CR-013-2023 (*sponsored by*: Council Members Blegay, Oriadha, Burroughs, Dernoga, Ivey, Watson, Hawkins, Olson, Fisher, and Franklin).

Assigned to Health, Human Services, and Public Safety (HHSPS) Committee

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A RESOLUTION CONCERNING NURSE PATIENT RATIOS for the purpose of encouraging the State of Maryland to take action to create a standard for Nurse Patient Ratios to ensure the optimum level of care for patients in hospitals.

Fiscal Summary

Direct Impact:

Expenditures: No direct additional expenditures likely.

Revenues: No direct additional revenues.

Indirect Impact:

Potentially favorable.

14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772
VOICE (301) 952-3431; FAX (301) 780-2097; TDD (301) 925-5167

Legislative Summary:

CR-013-2023 sponsored by Council Members Blegay, Oriadha, Burroughs, Dernoga, Ivey, Watson, Hawkins, Olson, Fisher, and Franklin, was introduced on March 7, 2023, and referred to the Health, Human Services, and Public Safety (HHSPS) Committee. CR-013-2023 would commit that the County Council, sitting as the Board of Health will collect empirical data on nurse-patient ratios in the County, and that the County Council will share the results with Governor, Senate President, House Speaker, Prince George's County Senate Delegation Chair, and Prince George's County House Delegation Chair, with a formal request urging state action to possibly impose a nurse/patient ratio. The data collected would be used as the example and justification for the need to do so.

Current Law/Background:

The State of Maryland comprehensively regulates hospitals and healthcare quality statewide via under Md. Code, Health-General, Title 19 and COMAR Title 10, Subtitle 7.[1]

Section 12-101 of the County Code designates the County Council as the County Board of Health. It further sets forth and defines the powers and duties of the Board. Specifically of significance to this matter, the Council, serving as the Board, *may review, advise and make recommendations regarding policies related to health care facilities, health services, and public health in the County and have general oversight for the health and sanitary interests of the people of the County including the investigation and study of the causes of disease, epidemics, nuisances affecting public health, prevention of contagious diseases and the preservation of health*[2].

The Board of Health could investigate and engage stakeholders, and make recommendations, either for County policies or matters to take up at the State level.

Resource Personnel:

- Devan Martin, Chief of Staff, Council District 6

[1] Md. Code, Health-General, Title 19; COMAR Title 10, Subtitle 7

[2] https://library.municode.com/md/prince_george's_county/codes/code_of_ordinances?nodeId=PTIIITI17PULOLAPRGECOMA_SUBTITLE_12HE_DIV1BOHE_S12-101BOHEDE

Discussion/Policy Analysis:

Federal Regulation 42 CFR 482.23 (b)[3] requires Medicare-certified hospitals to "have adequate numbers of licensed registered nurses, licensed practical (vocational) nurses and other personnel to provide nursing care to all patients as needed." The regulation's vague wording has left it up to states to ensure patient safety through appropriate staffing. Currently, there is no national policy mandating nurse staffing ratios in healthcare.

There are three approaches several states have implemented in order to have some oversight and in attempt to develop policies governing ratios:

- Nurse-driven staffing committees overseeing ratios
- Specific ratios mandated through state legislation; and
- Staffing ratios of facilities being disclosed to the public[4]

Collaborative efforts among state hospital associations, nursing executives, and American Nursing Association-affiliated state nurses' associations have resulted in state level safe staffing laws designed to benefit both patients and nurses. These laws are not necessarily developing specific ratios, but, rather requiring the development of plans and policies relating to optimal staffing and/or reporting to the State annually. Twelve (12) states have enacted staffing legislation in some form: Oregon (2002)[5], Texas (2009)[6], Illinois (2007) Nurse Staffing Improvement Act[7], Connecticut (2008)[8], Ohio (2008)[9], New York[10], New Jersey[11], Rhode Island[12] , Texas[13], Vermont[14] , Washington (2008)[15], and Nevada (2009)[16]. The State of California did enact a bill which mandated nursing patient ratios by unit[17]. Massachusetts enacted the Intensive Care Unit (ICU) Nurse Staffing Law. This law did set forth a mandated ratio for nursing staffing in the ICU only[18].

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[3] https://www.govinfo.gov/content/pkg/CFR-2011-title42-vol5/pdf/CFR-2011-title42-vol5-sec482-23.pdf
[4] https://www.trustednursestaffing.com/nurse-patient-ratios-by-state/
[5] https://www.oregon.gov/oha/ph/PROVIDERPARTNERRESOURCES/HEALTHCAREPROVIDERSFACILITIES/HEALTHCAREHEALTHCAREREGULATIONQUALITYIMPROVEMENT/Pages/nursestaffing.aspx
[6] https://www.bon.texas.gov/laws_and_rules_nursing_practice_act_2017.asp.html
[7] https://www.ilga.gov/legislation/publicacts/102/PDF/102-0641.pdf
[8] https://www.cga.ct.gov/2015/act/pa/2015PA-00091-R00SB-00855-PA.htm
[9] https://nursejournal.org/articles/nurse-to-patient-staffing-ratio-laws-by-state/
[10] https://www.nysenate.gov/legislation/bills/2021/a108
[11] https://www.nj.gov/health/healthcarequality/documents/Hospital%20and%20NH%20staff%20to%20patient%20ratios.PDF
[12] http://webserver.rilin.state.ri.us/Statutes/title23/23-17.17/23-17.17-8.HTM
[13] https://statutes.capitol.texas.gov/Docs/HS/htm/HS.257.htm
[14] https://legislature.vermont.gov/statutes/fullchapter/18/042
[15] https://casetext.com/statute/revised-code-of-washington/title-70-public-health-and-safety/chapter-7041-hospital-licensing-and-regulation/section-7041420-effective-612023-nurse-staffing-committee
[16] https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB362_EN.pdf
[17] http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_0351-0400/ab_394_bill_19991010_chaptered.html
[18] https://www.mass.gov/service-details/hpc-regulation-958-cmr-800-to-implement-the-icu-nurse-staffing-law

At the federal level, S 1357/ Nurse Staffing Standards for Patient Safety and Quality Care Act of 2019[19] was introduced in the US Senate in 2019. The bill would have required hospitals to implement and submit to the Department of Health and Human Services (HHS) a staffing plan that complied with specified minimum nurse-to-patient ratios by unit. (Corresponding HR 2581 (2019)). Neither seemingly made it out of their respective assigned Committees. S 1567/ Nurse Staffing Standards for Hospital Patient Safety and Quality Care Act of 2021[20] was introduced in the US Senate in 2020. It sought to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes. (Corresponding HR 3165). It did not pass.

Fiscal Impact:

- *Direct Impact*

Adoption of CR-013-2022 should not have a significant direct fiscal impact on the County. Although there could be some additional operating costs associated with the tracking and sorting of the requested information in conjunction with dedicated staff resources necessary to monitor and report the outcomes, these costs are not likely to be consequential.

Indirect Impact

Adoption of CR-013-2023 may have an indirect favorable effect on the County fiscally. Depending on the outcome of the reporting, and whether the State imposes mandates on nursing patient ratios, it could lead to a healthier environment for County residents and workers, resulting in a higher quality of life.

- *Appropriated in the Current Fiscal Year Budget*

No.

Effective Date of Proposed Legislation:

This Resolution takes place immediately upon adoption.

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.

[19] https://www.congress.gov/bill/116th-congress/senate-bill/1357#:~:text=Introduced%20in%20Senate%20(05%2F08%2F2019)&text=This%20bill%20requires%20hospitals%20to,to%2Dpatient%20ratios%20by%20unit.
[20] https://www.congress.gov/bill/117th-congress/senate-bill/1567/text