

HOUSE BILL NO. 4550

May 11, 2023, Introduced by Reps. Young, Snyder, Hope, Churches, Puri, McKinney, Byrnes, Edwards, Paiz, Dievendorf, Breen, Brabec, Coffia, Rheingans, Stone, Scott, Tsernoglou, Coleman, Conlin, MacDonell, Brenda Carter, Wegela, Martus, Hoskins, Steckloff, Mentzer, Prestin, Andrews, Brixie, Pohutsky, Hood, Hill, Haadsma, Tyrone Carter, Neeley, Shannon, Wilson, Skaggs, Morgan, O'Neal, Liberati, Farhat, Weiss, Price, Thompson, Aiyash and Whitsett and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 21525 and 21525a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 21525. (1) A hospital shall provide sufficient and**
2 **qualified registered professional nursing staff at all times to**
3 **ensure patient safety.**

4 **(2) Except as otherwise provided in subsection (15), a**
5 **hospital shall implement the minimum direct care registered**

1 professional nurse-to-patient ratios as provided under this section
2 by not later than 1 year after the effective date of the amendatory
3 act that added this section or by not later than 2 years after the
4 effective date of the amendatory act that added this section if the
5 hospital is located in a rural area.

6 (3) A hospital shall not assign more patients per direct care
7 registered professional nurse than indicated by the following
8 direct care registered professional nurse-to-patient ratios for
9 each of the corresponding units:

10 (a) Intensive/critical care, including, but not limited to,
11 coronary care, acute respiratory care, medical, burn, pediatric, or
12 neonatal intensive care patients: 1 r.n. to 1 patient.

13 (b) Operating room: 1 r.n. to 1 patient, if not less than 1
14 additional individual serves as a scrub assistant in the unit.

15 (c) Labor and delivery:

16 (i) Antepartum: 1 r.n. to 3 pregnant patients or, if continuous
17 fetal monitoring is required, 1 r.n. to 2 pregnant patients.

18 (ii) Active labor: 1 r.n. to each birthing patient.

19 (iii) During birth: 1 r.n. to each birthing patient and 1 r.n.
20 to each baby.

21 (iv) Immediate postpartum: 1 r.n. to each birthing-patient-baby
22 couplet plus 1 r.n. to each additional baby.

23 (v) Unstable newborn: 1 r.n. to 1 newborn.

24 (vi) Intermediate care newborn: 1 r.n. to 2 newborns.

25 (vii) Postpartum/postsurgical birthing-patient-baby couplet: 1
26 r.n. to 2 couplets.

27 (viii) Medical/obstetric complications in labor and delivery: 1
28 r.n. to 1 patient.

29 (ix) Postpartum birthing patient or well-baby care: 1 r.n. to 4

1 patients.

2 (x) Patient receiving conscious sedation: 1 r.n. to 1 patient.

3 (d) Postanesthesia care unit: 1 r.n. to 1 patient.

4 (e) Emergency department:

5 (i) Nontrauma or noncritical care: 1 r.n. to 3 patients, plus 1
6 r.n. for triage duties.

7 (ii) Trauma or critical care: 1 r.n. to 1 patient, plus 1 r.n.
8 for triage duties.

9 (f) Stepdown or intermediate intensive care unit: 1 r.n. to 3
10 patients.

11 (g) Telemetry: 1 r.n. to 3 patients.

12 (h) Medical/surgical: 1 r.n. to 4 patients.

13 (i) Pediatrics: 1 r.n. to 3 patients.

14 (j) Behavioral health/psychiatric: 1 r.n. to 4 patients.

15 (k) Acute rehabilitation: 1 r.n. to 4 patients.

16 (4) If a unit that is not listed in subsection (3) provides a
17 level of care to patients whose needs are similar to the needs of
18 patients cared for in a unit that is listed in subsection (3), a
19 hospital shall apply the minimum direct care registered
20 professional nurse-to-patient ratio for the unit that is listed in
21 subsection (3) to the unit that is not listed.

22 (5) The minimum direct care registered professional nurse-to-
23 patient ratios required under this section must be in effect at all
24 times, including during breaks, meals, and other routine, expected
25 absences from a unit.

26 (6) A hospital shall not do any of the following:

27 (a) In computing a minimum direct care registered professional
28 nurse-to-patient ratio required under this section, include a
29 registered professional nurse who is not assigned to provide direct

1 patient care in that unit or who is not oriented, qualified, and
2 competent to provide safe patient care in that unit.

3 (b) Average the number of patients and the total number of
4 direct care registered professional nurses assigned to patients in
5 a unit during a single shift or over a period of time to meet a
6 minimum direct care registered nurse-to-patient ratio required
7 under this section.

8 (c) Except during a declared state of emergency, impose
9 mandatory overtime to meet a minimum direct care registered
10 professional nurse-to-patient ratio required under this section.

11 (7) At any time before or during a shift and for any reason, a
12 hospital may increase the number of registered professional nurses
13 above a minimum direct care registered professional nurse-to-
14 patient ratio required under this section.

15 (8) The minimum direct care registered professional nurse-to-
16 patient ratio established for each unit under this section does not
17 limit, reduce, or otherwise affect the need for other licensed or
18 unlicensed health care professionals, assistants, or support
19 personnel necessary to provide safe patient care within the unit.

20 (9) A hospital shall post in each unit a notice in a form
21 approved by the department. The notice must be located in a visible
22 and conspicuous location that is accessible to hospital staff,
23 patients, and the public. The notice must contain all of the
24 following information:

25 (a) The requirements of this section.

26 (b) An explanation of the rights of direct care registered
27 professional nurses, patients, and other individuals under this
28 section.

29 (c) A statement that a direct care registered professional

1 nurse, patient, or other individual may file a complaint with the
2 department against a hospital that the direct care registered
3 professional nurse, patient, or other individual believes has
4 violated this section.

5 (d) Instructions on how to file a complaint with the
6 department for a violation of this section.

7 (10) The department shall establish and maintain a toll-free
8 telephone number to provide information regarding the minimum
9 direct care registered professional nurse-to-patient ratios under
10 this section and to receive complaints alleging violations of this
11 section. A hospital shall provide the toll-free telephone number to
12 each patient admitted to the hospital for inpatient care and inform
13 each patient that the toll-free telephone number may be used to
14 file a complaint alleging a violation of this section.

15 (11) A direct care registered professional nurse, a patient,
16 or another individual may file a complaint with the department
17 against a hospital that the direct care registered professional
18 nurse, patient, or other individual believes has violated this
19 section. The department shall investigate each complaint received
20 in the manner provided for investigating written complaints under
21 section 20176.

22 (12) A hospital that does not comply with a minimum direct
23 care registered professional nurse-to-patient ratio required under
24 this section is in violation of this section. Each shift that does
25 not comply with a minimum direct care registered professional
26 nurse-to-patient ratio for that shift is a separate violation. If
27 the department determines that a hospital has not complied with the
28 minimum direct care registered professional nurse-to-patient ratio
29 required for each unit during each shift under this section, the

1 department shall require the hospital to establish a corrective
2 action plan to prevent the recurrence of the violation. A hospital
3 that violates this section is subject to an administrative fine of
4 not less than \$10,000.00 or more than \$25,000.00 for each violation
5 or, if the hospital has shown a pattern of violations, not less
6 than \$25,000.00 or more than \$50,000.00.

7 (13) The department shall publish on its website the names of
8 the hospitals on which an administrative fine has been imposed
9 under subsection (12), the violation for which the fine was
10 imposed, and any additional information that the department
11 considers appropriate. The department shall consider each violation
12 by a hospital under subsection (12) when making licensure
13 decisions.

14 (14) The department shall promulgate rules to implement this
15 section.

16 (15) If a collective bargaining agreement is in effect for
17 employees of a hospital as of the effective date of the amendatory
18 act that added this section and if that collective bargaining
19 agreement prevents compliance with this section, then this section
20 does not apply until after the expiration of that collective
21 bargaining agreement.

22 (16) As used in this section:

23 (a) "Declared state of emergency" means an emergency that is
24 declared by a person authorized by the federal government, a local
25 government, or this state and that is related to a circumstance
26 that is unpredictable or unavoidable, affects the delivery of
27 medical care, and requires an immediate or exceptional level of
28 emergency or other medical services at the hospital. Declared state
29 of emergency does not include an emergency that results from a

1 labor dispute in the health care industry or consistent
2 understaffing in the hospital.

3 (b) "Immediate postpartum" means within 2 hours after birth.

4 (c) "Mandatory overtime" means a mandated assignment for a
5 direct care registered professional nurse to work more than the
6 direct care registered professional nurse's regularly scheduled
7 hours according to the direct care registered professional nurse's
8 predetermined work schedule.

9 (d) "Medical/obstetric complications in labor and delivery"
10 includes, but is not limited to, an epidural or a c-section.

11 (e) "Pattern of violations" means a finding by the department
12 of 2 or more violations in 1 calendar year.

13 (f) "Registered professional nurse" or "r.n." means that term
14 as defined in section 17201.

15 (g) "Rural area" means an area that is located outside of a
16 metropolitan statistical area as defined by the United States
17 Office of Management and Budget or that is located in a city,
18 village, or township with a population of no more than 12,000 and
19 in a county with a population of no more than 110,000, according to
20 the most recent federal decennial census.

21 (h) "Scrub assistant" means an individual functioning in a
22 role that is also known as a surgical technician, operating room
23 technician, surgical tech, first assistant, scrub tech, or scrub. A
24 scrub assistant may be a direct care registered professional nurse.

25 Sec. 21525a. (1) The nurse-to-patient ratio regulatory fund is
26 created in the state treasury.

27 (2) The state treasurer shall credit the administrative fines
28 collected under section 21525 to the nurse-to-patient ratio
29 regulatory fund. The state treasurer shall direct the investment of

1 money in the nurse-to-patient ratio regulatory fund and credit
2 interest and earnings from the investments to the nurse-to-patient
3 ratio regulatory fund.

4 (3) The department is the administrator of the nurse-to-
5 patient ratio regulatory fund for audits of the fund.

6 (4) The department shall expend money from the nurse-to-
7 patient ratio regulatory fund on appropriation only for the
8 administration of section 21525.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.