


2009 Legislative Changes That Will Affect My Personal Practice!


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Research Confirms What Nurses Know: Nurse Staffing Patient Outcomes


- Aiken, et al. *JAMA* (2002)
- Needleman, et al. *New England Journal of Medicine* (2002)
- Kane, et al. *Medical Care* (2007)



THE NEW ENGLAND
JOURNAL OF MEDICINE



JAMA



MEDICAL CARE


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Objectives for Today


- ◆ Will be able to:
 - ◆ Describe the changes the Safe Hospital Staffing Act will bring to hospitals.
 - ◆ Describe what TNA & THA have done to prepare acute care facilities to implement the Safe Hospital Act.
 - ◆ Identify other changes the 2009 legislative session brought to nursing.
 - ◆ Identify what failed in 2009.

Adequate staffing is necessary for quality patient care and positive outcomes

APPROACHES



**Mandated
Fixed Ratios**




**Mandated
Staffing Plans**

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Safe Hospital Staffing Act

- Background History:
 - 2001 Staffing Rules
 - Results in other states
 - Research ...



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Two Approaches to Achieve Adequate Staffing

<u>Mandated Fixed Ratios</u>	<u>Mandated Staffing Plans</u>
<ul style="list-style-type: none"> ◆ Fixed number of patients to nurse ◆ Ratios determined by legislature or state agency ◆ Inflexible 	<ul style="list-style-type: none"> ◆ Hospitals to plan staffing based on criteria ◆ Staffing plans determined by nursing committees ◆ Enable individual assignments based on nursing judgment

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Safe Hospital Staffing Act

(Senate Bill 476)

Mandates hospital boards adopt a nurse staffing policy




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Nurse Staffing Committee

Membership:

- ◆ CNO
- ◆ 60% direct care nurses **selected by peers** (not administration)
- ◆ Nurses relieved of work duties & compensated during committee meetings



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Safe Hospital Staffing Act

- ◆ Requires the staffing committee be set up as a standing committee
- ◆ Brings current staffing rules into statutes




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Nurse Staffing Committee

Responsibilities:


- ◆ Recommending a staffing plan
- ◆ Soliciting input from nurses to develop, monitor & evaluate the staffing plan
- ◆ Reviewing, assessing, & responding to staffing concerns
- ◆ Evaluating variances between actual & desired staffing



Required hospital policy shall include a process for developing, implementing & enforcing a unit/shift based plan that:

- ◆ Reflects current national standards
- ◆ Sets minimal staffing levels for patient care units
- ◆ Includes a method for adjusting plan to meet patient needs
- ◆ Includes a contingency plan in event patient care needs exceed resources
- ◆ Gives significant consideration to staffing committee recommendations

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Nurse Staffing Committee

Responsibilities:

- ◆ Meeting at least quarterly
- ◆ Selecting nurse-sensitive indicators to evaluate actual staffing
- ◆ Evaluating variations & effectiveness of plan at least semi-annually
- ◆ Submitting a report of this evaluation to hospital board at least semi-annually

Nurse Staffing Committees

Provide a mechanism for nurses to report their concerns about staffing.





Nurses cannot be retaliated against for reporting their concerns.

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The Safe Hospital Staffing Act Also Prohibits Mandatory Overtime

- ◆ Definition: being required to work beyond scheduled time
- ◆ Refusal to work mandatory OT **not** considered patient abandonment
- ◆ Does not affect compensation (OT pay) or voluntary OT



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Safe Hospital Staffing Act

Required hospital policy shall include a process for :

- ◆ Making the staffing plan & current staffing levels readily available to nurses on each patient care unit, each shift
- ◆ Using the hospital staffing plan as a component in setting the nurse staffing budget

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How to Implement New Safe Hospital Staffing Act

- ◆ Effective Sept. 1
- ◆ Webinars sponsored by TNA, THA, & Texas Healthcare Trustees
 - ◆ Aug 13 – Administrative Role
 - ◆ Aug 18 – Nurse Staffing Committee Role
 - ◆ Aug 20 – Nurse Role
 - ◆ Aug 25 – Board of Directors Role
 - ◆ Tool Kit

Safe Hospital Staffing Act

Accountability

- ◆ Requires direct involvement of the hospital governing board
- ◆ Requires annual report of nurse staffing information to the Texas Department of State Health Services

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Link to Safe Hospital Staffing Act


<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=81R&Bill=SB476>

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Changes to the NPA

- ◆ Make confidential:
 - ◆ personal contact information collected by BON for disaster relief programs
 - ◆ personal health-related information collected on applications or initial licensure & renewals
- ◆ Define how BON can utilize physical & psychological evaluations & the nurse's rights



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Other Nursing-Related Legislation in 2009 Legislative Session

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Changes to the NPA


- ◆ Study on New Graduate Competency
 - ◆ Explore different methods of evaluating clinical expertise
 - ◆ Explore effectiveness of methods with different types of students (*ex: LVN, EMT, Medics, Previous bachelors degree, generic nursing student*)
 - ◆ Completed 2017 for Sunset BON
 - ◆ Excelsior College – LVN, EMT, Medics



Changes to NPA

Less Punitive Disciplinary Options:
Created additional options for BON on minor violations:

- ◆ Corrective action
- ◆ Deferred disciplinary action (pilot)



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Nursing Shortage Appropriations

Texas Nursing Workforce Shortage Coalition




\$50 MILLION TO INCREASE RN GRADUATES



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Nursing Initiatives which *Failed*

- ◆ Extension of full whistleblower protections to publicly-employed nurses
- ◆ Winkler County nurses fired for patient safety whistle blowing
- ◆ ANA/TNA back Winkler nurses

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Health Policy

Broad-based Coalitions

- ◆ Child passenger restraints (passed)
- ◆ Tobacco cessation (failed)
- ◆ CHIP (failed)

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Nursing Initiatives which *Failed*

- ◆ APN Rx Authority
 - ◆ 3 bills filed
 - ◆ Only 1 passed filed by TMA and Pharmacy Convenience Clinics SB 532
- ◆ Outcome of Legislation
 - ◆ Minute Clinics
 - ◆ Rural areas with approval go to 3- 6 APNs/physician
 - ◆ Rural areas with approval may have satellite clinic up to 75 miles

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TNA Strategy for Legislative Success

- ◆ Long Term Strategy and Presence
- ◆ Understanding How Legislative Process Works and Success is Achieved
 - ◆ Collaboration
 - ◆ Compromise
 - ◆ Doing your homework

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Legislation Initiated by Others

- ◆ Surgical technologists (passed)
- ◆ Anesthesiologist assistants (failed)
- ◆ California nurses union bill (failed)
- ◆ Regulation of Nurse Aides by the BON(failed)

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Nursing Legislative Agenda Coalition (NLAC) Members

◆ AORN - Houston	◆ TxENA
◆ AWHONN	◆ TNA
◆ HCONS	◆ TNP
◆ HONE	◆ TNSA
◆ LVNAT	◆ TOADN
◆ SOHN of Houston	◆ TOBONE
◆ Deans & Directors	◆ TONE
◆ TANA	◆ TRNFA Network
◆ TCORN	◆ TSNO

Working together to support nursing's agenda.

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WHAT IF...

TNA and Nursing Had not Been
Successfully Involved in the Legislative
Process Since 1907?

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31

Getting Results

Texas is a national leader in
nursing practice protections,
using a collaborative approach
that brings nurses, physicians,
and hospitals together to
decide what's truly best for
patients.

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32