

Six States Enact Staffing Laws

Research consistently demonstrates that adequate nurse staffing is essential for good patient care and positive outcomes. A nursing shortage can make adequate staffing difficult if not impossible.

In the last years, 12 states across the U.S. have attempted to protect staffing patterns in the midst of a nursing shortage by establishing staffing requirements through legislation or regulation. Texas was the first.

Now, two general approaches to staffing are used nationally: 1. Mandating staffing plans (seven states including Texas use this method.); 2. Mandating fixed ratios (only California has implemented this approach to staffing).

The comparison chart below provides a quick overview of staffing provisions enacted throughout the country as of September 15, 2008. Additional information on the topic is available from the American Nurses Association at <http://www.safestaffingsaveslives.org/WhatIsANADoing/StateLegislation/StaffingPlansandRatios.aspx>.

COMPARISON OF RECENT STATE LEGISLATION REGARDING STAFFING

REQUIREMENTS FOR STAFFING COMMITTEES	WA 2008	OH 2008	IL 2007	OR 2005	CT 2008	Texas Rules 2001,2005
1. COMMITTEE COMPOSITION						
• 50% staff nurses	✓	✓	✓	✓	✓	✓
• Staff nurses elected by peers	✓			✓		
• CNO on committee		✓				
2. COMMITTEE ROLE						
• Develops staffing plan for hospital	✓			✓		
• Advisory		✓	✓		✓	✓
3. STAFFING PLAN COMPONENTS						
• Identifies factors to be considered in development of plan (e.g. census, admissions/ discharges, skill mix, care intensity)	✓	✓	✓	✓		✓
• Plan sets minimum staffing levels per unit		✓	✓	✓	✓	✓ Initial Levels
• Plan reflects standards established by professional organizations	✓	✓		✓		
• Plan is unit-based	✓	✓	✓		✓	✓
• Plan is shift-based	✓			✓		✓
• Process for adjusting plan identified		✓	✓	✓		✓
4. INPUT AND FEEDBACK FROM NURSES	✓					✓
5. NON-RETALIATION AND WHISTLEBLOWER PROTECTIONS FOR NURSES REPORTING STAFFING CONCERNS	✓					✓
6. REPLACEMENT STAFF FOR COVERAGE ADDRESSED		✓	✓	✓		
7. REVIEW OF PLAN	✓ Nurse sensitive quality indicators	✓	✓		✓	✓ Nurse sensitive quality indicators
8. POSTING REQUIREMENTS	✓	✓	✓			✓
9. REPORTING VARIANCES TO COMMITTEE						✓

STATES WITH STAFFING LEGISLATION OTHER THAN STAFFING COMMITTEES

NV (2003):	calls for a subcommittee to conduct an interim study on staffing
CA:	requires nurse to patient ratios (passed 1999, implemented 2004).
RI (2005):	requires a staffing plan to be filed annually with the department of health
ME (2007):	re-established requirement for monitoring nursing quality data
FL (2006):	enacted staffing requirements for LTC
VT (2006):	gives public access to information related to staffing