

ASSEMBLY BILL NO. 121—ASSEMBLYWOMAN KOIVISTO

PREFILED JANUARY 27, 2009

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning health care facilities that employ nurses. (BDR 40-492)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health care facilities; requiring certain hospitals in larger counties to establish a staffing committee; requiring certain health care facilities to make available to the Health Division of the Department of Health and Human Services a documented staffing plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 12** of this bill requires certain hospitals in a county whose population is
2 100,000 or more (currently Clark and Washoe Counties) to establish a staffing
3 committee. **Section 13** of this bill requires certain health care facilities in a county
4 whose population is 100,000 or more to make available to the Health Division of
5 the Department of Health and Human Services a documented staffing plan.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 449 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 28, inclusive, of this
3 act.
4 **Sec. 2.** *As used in sections 2 to 28, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 11, inclusive, of this act have the meanings*
7 *ascribed to them in those sections.*
8 **Sec. 3.** (Deleted by amendment.)
9 **Sec. 4.** (Deleted by amendment.)
10 **Sec. 5.** (Deleted by amendment.)



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Sec. 6. (Deleted by amendment.)

Sec. 7. *"Health care facility" means:*

1. *A hospital;*
2. *An independent center for emergency medical care;*
3. *A psychiatric hospital; and*
4. *A surgical center for ambulatory patients.*

Sec. 8. *"Nurse" means a person licensed pursuant to chapter 632 of NRS to practice nursing, including, without limitation, a licensed practical nurse. The term does not include a certified nursing assistant.*

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. *"Unit" means a component within a health care facility for providing patient care.*

Sec. 12. 1. *Each hospital located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall establish a staffing committee to develop a documented staffing plan as required pursuant to section 13 of this act. The staffing committee must consist of:*

(a) *Not less than one-half of the total members from the licensed nursing staff who are providing direct patient care at the hospital; and*

(b) *Not less than one-half of the total members appointed by the administration of the hospital.*

2. *The staffing committee of a hospital shall meet at least quarterly.*

3. *Each hospital that is required to establish a staffing committee pursuant to this section shall prepare a written report concerning the establishment of the staffing committee, the activities and progress of the staffing committee and a determination of the efficacy of the staffing committee. The hospital shall submit the report on or before December 31 of each:*

(a) *Even-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.*

(b) *Odd-numbered year to the Legislative Committee on Health Care.*

Sec. 13. 1. *As a condition of licensing, a health care facility located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall make available to the Health Division a documented staffing plan and a written certification that the documented staffing plan is adequate to meet the needs of the patients of the health care facility. The documented staffing plan must include, without limitation:*



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(a) A detailed written plan setting forth the number, skill mix and classification of licensed nurses required in each unit in the health care facility, which must take into account the experience of the clinical and nonclinical support staff with whom the nurses collaborate, supervise or otherwise delegate assignments;

(b) A description of the types of patients who are treated in each unit, including, without limitation, the type of care required by the patients;

(c) A description of the activities in each unit, including, without limitation, discharges, transfers and admissions;

(d) A description of the size and geography of each unit;

(e) A description of any specialized equipment and technology available for each unit; and

(f) Any foreseeable changes in the size or function of each unit.

2. A documented staffing plan must provide sufficient flexibility to allow for adjustments based upon changes in a unit of the health care facility.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 449.040 is hereby amended to read as follows:

449.040 Any person, state or local government or agency thereof desiring a license under the provisions of NRS 449.001 to 449.240, inclusive, **and sections 2 to 28, inclusive, of this act** must file with the Health Division an application on a form prescribed, prepared and furnished by the Health Division, containing:

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.

2. The type of facility to be operated.

3. The location of the facility.

4. In specific terms, the nature of services and type of care to be offered, as defined in the regulations.



5. The number of beds authorized by the Director of the Department of Health and Human Services or, if such authorization is not required, the number of beds the facility will contain.

6. The name of the person in charge of the facility.

7. Such other information as may be required by the Health Division for the proper administration and enforcement of NRS 449.001 to 449.240, inclusive ~~H~~, and sections 2 to 28, inclusive, of this act.

8. Evidence satisfactory to the Health Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof ~~H~~ and the person in charge of the facility for which application is made. If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the institution for which application is made.

9. Evidence satisfactory to the Health Division of the ability of the applicant to comply with the provisions of NRS 449.001 to 449.240, inclusive, and sections 2 to 28, inclusive, of this act and the standards and regulations adopted by the Board.

10. Evidence satisfactory to the Health Division that the facility conforms to the zoning regulations of the local government within which the facility will be operated or that the applicant has applied for an appropriate reclassification, variance, permit for special use or other exception for the facility.

11. If the facility to be licensed is a residential establishment as defined in NRS 278.02384, and if the residential establishment is subject to the distance requirements set forth in subsection 3 of NRS 278.02386, evidence satisfactory to the Health Division that the residential establishment will be located and operated in accordance with the provisions of that subsection.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. The provisions of section 12 of this act do not require a hospital to establish a new staffing committee if the hospital has a staffing committee in place on or before October 1, 2009.

Sec. 35. The Health Division of the Department of Health and Human Services shall not renew the license of any health care facility, as that term is defined in section 7 of this act, if the health care facility has not made available to the Health Division a documented staffing plan if such a health care facility is required to have such a plan pursuant to section 13 of this act.



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1 **Sec. 36.** (Deleted by amendment.)

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