

HOUSE No. 2196

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Higgins

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act promoting patient safety and equitable access to care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/19/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>1/24/2023</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/24/2023</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/24/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/24/2023</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/24/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>1/24/2023</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/24/2023</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/24/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/24/2023</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/24/2023</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>1/24/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/24/2023</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/24/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/24/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>1/24/2023</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/25/2023</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>1/25/2023</i>

<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>1/25/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/25/2023</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>1/25/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/26/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>1/26/2023</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/26/2023</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>1/26/2023</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>1/26/2023</i>
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>1/26/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>1/27/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>1/27/2023</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>1/27/2023</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>1/27/2023</i>
<i>Meghan Kilcoyne</i>	<i>12th Worcester</i>	<i>1/27/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/27/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/27/2023</i>
<i>Rob Consalvo</i>	<i>14th Suffolk</i>	<i>1/27/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>1/27/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/29/2023</i>
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>1/29/2023</i>
<i>Rita A. Mendes</i>	<i>11th Plymouth</i>	<i>1/30/2023</i>
<i>Ryan M. Hamilton</i>	<i>15th Essex</i>	<i>1/31/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/31/2023</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/1/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/1/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/1/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/3/2023</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>2/6/2023</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/8/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/8/2023</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>2/9/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/9/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/14/2023</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/15/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/17/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/21/2023</i>
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>2/23/2023</i>

<i>Christopher Richard Flanagan</i>	<i>1st Barnstable</i>	<i>2/24/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>3/1/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>3/6/2023</i>

HOUSE No. 2196

By Representative Higgins of Leominster, a petition (accompanied by bill, House, No. 2196) of Natalie M. Higgins and others relative to registered nurse patient assignment. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act promoting patient safety and equitable access to care.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 111 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting before the definition of “Board of health” the
3 following 2 definitions:-

4 “Hospital”, any hospital or psychiatric hospital providing inpatient care 24 hours per day,
5 7 days a week and including the teaching Hospital of the University of Massachusetts Medical
6 School.

7 “Maternal Child Care Patients”, including antepartum, intrapartum, postpartum, and
8 neonatal care.

9 SECTION 2. Said chapter 111 is hereby further amended by inserting after section 231
10 the following section:-

11 Section 231A. (a) There shall be a specific statewide limit on the number of patients a
12 registered nurse shall be assigned to provide care for at 1 time, which shall be established under

13 regulations promulgated by the department of public health, along with the department of mental
14 health. The limit established by the department shall apply to hospitals.

15 This limit of patients shall be specific to each hospital unit and in effect at all times for
16 each of the patient care areas, including, but not limited to, emergency services departments and
17 units with step-down or intermediate care patients, post-anesthesia care patients, operating room
18 patients, maternal child care patients, pediatric patients, psychiatric patients, medical, surgical
19 and telemetry patients, observational and outpatient treatment patients, rehabilitation patients and
20 any unit not otherwise listed.

21 (b) The limits established by the department shall not include a minimum number of
22 patients assigned to a registered nurse at 1 time. Additional staff shall be assigned in accordance
23 with nursing care requirements, including the severity of the illness, the need for specialized
24 equipment and technology, the complexity of clinical judgment needed to design, implement and
25 evaluate the patient care plan and the ability for self-care and the licensure of the personnel
26 required for care.

27 (c) Prior to promulgating regulations, the department shall hold a series of public
28 hearings throughout the commonwealth and invite comments from stakeholders.

29 (d) The regulations shall include mechanisms for enforcement of the limits by the
30 attorney general, which shall include, but not be limited to, injunctive or declaratory relief and
31 civil penalties in the amount of up to \$25,000 per violation.

32 (e) Each day during which a violation continues following notice to the facility of such
33 violation shall constitute a separate and distinct violation subject to any penalties established
34 pursuant to subsection (d).

35 (f) Upon written notice by the department that a complaint has been made or a violation
36 has occurred, a facility receiving such notice shall submit a written compliance plan to the
37 department that demonstrates the manner in which the facility will ensure future compliance with
38 all of the provisions of this act within the time frame required by the department.

39 (g) No employee shall be disciplined or retaliated against in any manner for complying
40 with the patient limits set forth by the regulations established and any such employee so
41 disciplined or retaliated against shall be entitled to the remedies under subsection (d) of section
42 185 of chapter 149 of the General Laws regardless of whether the employee satisfies any other
43 terms or conditions set forth in said section 185 of said chapter 149.

44 (h) The regulations promulgated pursuant to this act shall provide for suspension during a
45 state or national public health emergency.

46 SECTION 3. The department of public health shall promulgate regulations pursuant to
47 section 231A of chapter 111 of the General Laws not later than 24 months after passage of this
48 act.