

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 2, 2022

Committee on Health & Insurance.

After consideration on the merits, the Committee recommends the following:

HB22-1401 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, line 7, strike ""DIRECT-CARE" and substitute
- 2 ""CLINICAL STAFF" and strike "NURSE,".
- 3 Page 3, strike line 8.
- 4 Page 3, line 9, after "NURSE" insert "OR REGISTERED PROFESSIONAL
- 5 NURSE".
- 6 Page 3, strike lines 11 through 13.
- 7 Reletter succeeding paragraphs accordingly.
- 8 Page 3, after line 16 insert:
- 9 "(c) "NURSE AIDE" MEANS A PERSON CERTIFIED PURSUANT TO
- 10 ARTICLE 255 OF TITLE 12 TO PRACTICE AS A NURSE AIDE WHO PROVIDES
- 11 DIRECT CARE TO PATIENTS OR WHO WORKS IN AN AUXILIARY CAPACITY
- 12 UNDER THE SUPERVISION OF A REGISTERED NURSE.".
- 13 Reletter succeeding paragraph accordingly.
- 14 Page 3, line 17, strike "PATIENT-CARE" and substitute "MASTER NURSE".
- 15 Page 4, strike lines 2 through 6 and substitute "EXISTING HOSPITAL
- 16 STAFFING COMMITTEE. THE NURSE STAFFING COMMITTEE MUST HAVE AT
- 17 LEAST SIXTY PERCENT OR GREATER PARTICIPATION BY CLINICAL STAFF
- 18 NURSES, IN ADDITION TO AUXILIARY PERSONNEL AND NURSE MANAGERS.
- 19 THE NURSE STAFFING".

- 1 Page 4, line 10, strike "PATIENT-CARE" and substitute "MASTER NURSE".
- 2 Page 4, line 14, after "REQUIREMENTS" insert "AS ESTABLISHED IN RULES
3 PROMULGATED BY THE STATE BOARD OF HEALTH".
- 4 Page 4, lines 16 and 17, strike "GUIDELINES IN EACH TYPE OF HOSPITAL
5 UNIT;" and substitute "GUIDELINES;".
- 6 Page 4, line 21, strike "PROVIDER-TO-PATIENT RATIOS" and substitute
7 "NURSE-TO-PATIENT ASSIGNMENTS".
- 8 Page 4, line 25, strike "OR" and substitute "AND".
- 9 Page 4, line 26, strike "BODY, OR BOTH," and substitute "BODY".
- 10 Page 5, line 10, strike "COMPLIANCE." and substitute "COMPLIANCE WITH
11 RULES PROMULGATED BY THE STATE BOARD OF HEALTH.".
- 12 Page 5, strike lines 14 and 15.
- 13 Renumber succeeding subparagraphs accordingly.
- 14 Page 5, line 18, strike "DIRECT-CARE" and substitute "CLINICAL STAFF".
- 15 Page 5, line 20, strike the first "DIRECT-CARE".
- 16 Page 5, line 20, strike the second "DIRECT-CARE" and substitute "CLINICAL
17 STAFF".
- 18 Page 5, strike 21, strike "DIRECT- CARE".
- 19 Page 6, strike lines 2 through 5 and substitute:
- 20 "(b) ON A QUARTERLY BASIS, EVALUATE THE STAFFING PLAN AND
21 PREPARE A REPORT FOR INTERNAL REVIEW BY THE STAFFING COMMITTEE;
22 AND".
- 23 Reletter succeeding paragraph accordingly.
- 24 Page 6, line 6, strike "A QUARTERLY" and substitute "AN ANNUAL".
- 25 Page 6, strike lines 10 through 23 and substitute:

1 "(4) A HOSPITAL SHALL NOT ASSIGN A CLINICAL STAFF NURSE,
2 NURSE AIDE, OR EMS PROVIDER TO A HOSPITAL UNIT UNLESS, CONSISTENT
3 WITH THE CONDITIONS OF PARTICIPATION ADOPTED FOR FEDERAL
4 MEDICARE AND MEDICAID PROGRAMS, HOSPITAL PERSONNEL RECORDS
5 INCLUDE DOCUMENTATION THAT THE TRAINING AND DEMONSTRATION OF
6 COMPETENCY WERE SUCCESSFULLY COMPLETED DURING ORIENTATION
7 AND ON A PERIODIC BASIS CONSISTENT WITH HOSPITAL POLICIES."

8 Page 7, strike lines 3 and 4 and substitute "CAPACITY; AND".

9 Page 7, line 7, strike "SHALL USE THE DATA" and substitute "SHALL:
10 (I) USE THE DATA".

11 Page 7, line 11, strike "HOSPITALS." and substitute "HOSPITALS;
12 (II) DETERMINE THE NUMBER OF SEASONAL VARIATIONS
13 ALLOWABLE WITH REGARD TO SUBSECTION (5)(a)(I) OF THIS SECTION WITH
14 A MINIMUM OF TWO AND A MAXIMUM OF FOUR ALLOWABLE VARIANCES;
15 AND
16 (III) DEFINE "STAFFED-BED CAPACITY" FOR THE PURPOSES OF THIS
17 SECTION."

18 Page 9, line 27, strike "AVAILABLE" and substitute "AVAILABLE, TO THE
19 EXTENT THAT THE VACCINES ARE AVAILABLE,".

20 Page 10, line 7, after "EMERGENCY," insert "TO THE EXTENT THAT THE
21 TESTING IS AVAILABLE,".

22 Page 11, line 16, strike "THE" and substitute "ON OR BEFORE JANUARY 1,
23 2023, AND ON OR BEFORE JANUARY 1 EACH YEAR THEREAFTER, THE".

24 Page 11, line 17, strike "GOVERNOR ON OR BEFORE JANUARY 1, 2023." and
25 substitute "GOVERNOR.

26 (3) THE OFFICE OF SAVING PEOPLE MONEY ON HEALTH CARE SHALL
27 COORDINATE, MONITOR, AND SUPPORT THE EFFORTS TO IMPROVE THE
28 AFFORDABILITY OF HEALTH CARE, HEALTH OUTCOMES, AND PUBLIC
29 HEALTH READINESS IN STATE PROGRAMS AND DEPARTMENTS."

30 Page 14, strike line 27.

31 Strike page 15 and substitute:

32 "SECTION 5. Safety clause. The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety."

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