

SENATE BILL 720

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5lr2143
CF HB 905

By: **Senators Augustine and Lam**

Introduced and read first time: January 27, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals – Clinical Staffing Committees and Plans – Establishment**
3 **(Safe Staffing Act of 2025)**

4 FOR the purpose of requiring certain hospitals licensed in the State to establish and
5 maintain a clinical staffing committee and to implement a clinical staffing plan;
6 requiring each clinical staffing committee to develop a clinical staffing plan; and
7 generally relating to hospitals and clinical staffing committees and plans.

8 BY adding to

9 Article – Health – General

10 Section 19–388 through 19–390 to be under the new part “Part XII. Clinical Staffing
11 Committees and Plans”

12 Annotated Code of Maryland

13 (2023 Replacement Volume and 2024 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 **19–386. RESERVED.**

18 **19–387. RESERVED.**

19 **PART XII. CLINICAL STAFFING COMMITTEES AND PLANS.**

20 **19–388.**

21 **(A) (1) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) (I) “ANCILLARY MEMBER OF THE FRONTLINE TEAM” MEANS AN INDIVIDUAL WHOSE PRIMARY DUTIES INCLUDE SUPPORTING INDIVIDUALS WHO PROVIDE DIRECT PATIENT CARE.

(II) “ANCILLARY MEMBER OF THE FRONTLINE TEAM” INCLUDES:

1. A DIETARY WORKER;
2. A PATIENT CARE TECHNICIAN; AND
3. ANY OTHER NONLICENSED STAFF ASSISTING WITH PATIENT CARE.

(3) “CLINICAL STAFFING COMMITTEE” MEANS A COMMITTEE ESTABLISHED BY A HOSPITAL IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(4) “CLINICAL STAFFING PLAN” MEANS A PLAN DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION.

(B) THIS PART DOES NOT APPLY TO STATE HOSPITALS.

(C) (1) EACH HOSPITAL LICENSED UNDER THIS TITLE SHALL ESTABLISH AND MAINTAIN A CLINICAL STAFFING COMMITTEE THAT HAS EQUAL MEMBERSHIP FROM MANAGEMENT AND EMPLOYEES.

(2) EACH CLINICAL STAFFING COMMITTEE ESTABLISHED UNDER THIS PART SHALL INCLUDE AT LEAST ONE OF THE FOLLOWING INDIVIDUALS:

- (I) A CERTIFIED NURSING ASSISTANT;
- (II) A DIETARY AIDE;
- (III) AN EMERGENCY ROOM NURSE;
- (IV) AN ENVIRONMENTAL SERVICE WORKER;
- (V) 1. A RESIDENT, IF THE COMMITTEE IS IN A TEACHING HOSPITAL; OR
2. A PHYSICIAN, IF THE COMMITTEE IS IN A HOSPITAL THAT IS NOT A TEACHING HOSPITAL; AND

1 **(VI) A TECHNICIAN.**

2 **(3) A CLINICAL STAFFING COMMITTEE ESTABLISHED UNDER**
3 **PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE A PATIENT ADVOCATE.**

4 **(D) EACH CLINICAL STAFFING COMMITTEE SHALL DEVELOP A CLINICAL**
5 **STAFFING PLAN FOR THE HOSPITAL THAT ESTABLISHES THE APPROPRIATE NUMBER**
6 **OF CLINICIANS NEEDED TO ADMINISTER QUALITY HEALTH CARE BY SETTING.**

7 **(E) (1) WHEN DEVELOPING A CLINICAL STAFFING PLAN, THE CLINICAL**
8 **STAFFING COMMITTEE SHALL ESTABLISH, BASED ON THE PATIENT POPULATION OF**
9 **THE HOSPITAL:**

10 **(I) SUGGESTED GUIDELINES OR RATIOS, MATRICES, OR GRIDS**
11 **INDICATING HOW MANY PATIENTS SHOULD BE ASSIGNED TO EACH REGISTERED**
12 **NURSE BY UNIT OR SETTING; AND**

13 **(II) THE NUMBER OF REGISTERED NURSES, LICENSED**
14 **PRACTICAL NURSES, CERTIFIED NURSING ASSISTANTS, CERTIFIED MEDICINE**
15 **TECHNICIANS, ENVIRONMENTAL SERVICE WORKERS, AND ANCILLARY MEMBERS OF**
16 **THE DIRECT CARE TEAM THAT SHOULD BE PRESENT ON EACH UNIT DURING EACH**
17 **SHIFT.**

18 **(2) TO THE EXTENT PRACTICABLE, THE GUIDELINES ESTABLISHED**
19 **UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE BASED ON NATIONAL**
20 **EVIDENCE-BASED STANDARDS.**

21 **(F) ON OR BEFORE JULY 1 EACH YEAR, EACH HOSPITAL, THROUGH THE**
22 **CLINICAL STAFFING COMMITTEE, SHALL CONDUCT A REVIEW OF THE CLINICAL**
23 **STAFFING PLAN TO:**

24 **(1) EVALUATE THE EFFECTIVENESS OF THE CLINICAL STAFFING**
25 **PLAN DURING THE IMMEDIATELY PRECEDING YEAR;**

26 **(2) UPDATE THE CLINICAL STAFFING PLAN TO ENSURE THAT THE**
27 **CLINICAL STAFFING PLAN CONTINUES TO BE APPROPRIATE AND EFFECTIVE; AND**

28 **(3) DEVELOP A PROCESS FOR RECEIVING, RESOLVING, AND**
29 **TRACKING COMPLAINTS RELATED TO THE CLINICAL STAFFING PLAN.**

30 **(G) IN DEVELOPING THE CLINICAL STAFFING PLAN, THE CLINICAL**
31 **STAFFING COMMITTEE SHALL CONSIDER:**

(1) THE AVERAGE NUMBER OF PATIENTS ON EACH UNIT ON EACH SHIFT DURING THE IMMEDIATELY PRECEDING YEAR AND RELEVANT INFORMATION REGARDING PATIENT DISCHARGES, POTENTIAL ADMISSIONS, AND TRANSFERS;

(2) THE AVERAGE LEVEL OF ACUITY FOR PATIENTS ON EACH UNIT ON EACH SHIFT DURING THE IMMEDIATELY PRECEDING YEAR AND THE CORRESPONDING LEVEL OF NURSING CARE REQUIRED; AND

(3) AN ESTIMATE OF THE APPROPRIATE COMBINATION OF SKILL, EXPERIENCE LEVEL, AND SPECIALTY CERTIFICATION OR TRAINING OF STAFF FOR EACH UNIT ON EACH SHIFT THAT IS REQUIRED TO ADEQUATELY PROVIDE CARE.

19-389.

(A) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2026, EACH HOSPITAL SHALL:

(1) IMPLEMENT THE CLINICAL STAFFING PLAN ADOPTED UNDER § 19-388 OF THIS SUBTITLE; AND

(2) ASSIGN PERSONNEL TO EACH PATIENT CARE UNIT IN ACCORDANCE WITH THE CLINICAL STAFFING PLAN.

(B) A REGISTERED NURSE, A LICENSED PRACTICAL NURSE, AN ANCILLARY MEMBER OF THE FRONTLINE TEAM, OR AN APPLICABLE EXCLUSIVE REPRESENTATIVE MAY SUBMIT A COMPLAINT TO THE CLINICAL STAFFING COMMITTEE REGARDING ANY VARIATION WHERE PERSONNEL ASSIGNMENT IN A PATIENT CARE UNIT IS NOT IN ACCORDANCE WITH THE ADOPTED CLINICAL STAFFING PLAN.

(C) THE CLINICAL STAFFING COMMITTEE SHALL DETERMINE, BY A MAJORITY VOTE, WHETHER A COMPLAINT HAS BEEN ADEQUATELY RESOLVED.

19-390.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON OR BEFORE JANUARY 1 EACH YEAR, EACH HOSPITAL SHALL:

(1) POST IN A PUBLICLY ACCESSIBLE AND CONSPICUOUS AREA ON EACH PATIENT UNIT THE CLINICAL STAFFING PLAN FOR THE UNIT AND THE ACTUAL DAILY STAFFING FOR EACH SHIFT ON THE UNIT;

1 **(2) ENSURE THAT A COPY OF THE CLINICAL STAFFING PLAN IS**
2 **AVAILABLE, ON REQUEST, ON EACH PATIENT UNIT; AND**

3 **(3) POST THE CLINICAL STAFFING PLAN ON THE HOSPITAL'S**
4 **WEBSITE.**

5 **(B) IF A CLINICAL STAFFING PLAN FOR A UNIT IS AMENDED AFTER IT IS**
6 **IMPLEMENTED, THE HOSPITAL SHALL POST OR PROVIDE THE AMENDED CLINICAL**
7 **STAFFING PLAN FOR THE UNIT IN THE MANNER REQUIRED UNDER SUBSECTION (A)**
8 **OF THIS SECTION, IN A TIMELY MANNER.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That each hospital shall establish
10 a clinical staffing committee as required under § 19–388 of the Health – General Article,
11 as enacted by Section 1 of this Act, on or before January 1, 2026.

12 SECTION 3. AND BE IT FURTHER ENACTED, That each clinical staffing
13 committee shall develop a clinical staffing plan as required under § 19–388 of the
14 Health – General Article, as enacted by Section 1 of this Act, on or before July 1, 2026.

15 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2025.