

2015 -- S 0495 SUBSTITUTE A

LC001428/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO HEALTH AND SAFETY -- HEALTH CARE ACCESSIBILITY AND
QUALITY ASSURANCE ACT

Introduced By: Senator Maryellen Goodwin

Date Introduced: February 26, 2015

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-17.20 of the General Laws entitled "Health Care Facilities
2 Staffing" is hereby amended by adding thereto the following section:

3 **23-17.20-7. Use of Rhode Island licensed nurses. -- (a) No health care facility shall**
4 **seek the use of temporary nurses that are not licensed in Rhode Island pursuant to chapter 5-34**
5 **until the facility has exhausted all reasonable efforts as defined in this chapter to obtain qualified**
6 **staffing.**

7 **(b) Notwithstanding § 23-17.7.1-15(3), the use of nursing service agency nurses shall not**
8 **be used to cover shifts resulting from vacancies due to chronic short staffing, as defined by**
9 **regulation by the department of health.**

10 **(c) The provisions of this section shall not apply in the case of an unforeseeable emergent**
11 **circumstance as defined in § 23-17.20-2 if the hospital has complied with subsections (a) and (b)**
12 **of this section.**

13 **(d) The requirement that the employer shall exhaust reasonable efforts to obtain staffing**
14 **shall not apply in the event of any declared national, state or municipal emergency or a disaster or**
15 **other catastrophic event which substantially affects or increases the need for health care**
16 **services.**

17 **(e) Health care facilities shall report monthly to the department of labor and training, in a**
18 **form and substance prescribed by the department, on the number of shifts covered by non-Rhode**

1 Island licensed nurses. The department shall work with the health care facilities to help identify
2 qualified nurses licensed by the state. The department shall make this information available to the
3 public.

4 (f) Health care facilities shall report to the Department of Health the name and state of
5 licensure of any registered nurse performing work duties at the facility who are not licensed in
6 Rhode Island. This information shall be reported to the department within seven (7) days from
7 when any registered nurse not licensed in Rhode Island begins performing job duties at a health
8 care facility. The department shall make the above prescribed information, with the exception of
9 the name of the nurses, available to the public.

10 (g) These provisions shall not apply in the event of an organized labor strike or other
11 work stoppage.

12 (h) The department of health shall promulgate regulations to further define the terms,
13 conditions, and requirements of this section.

14 SECTION 2. This act shall take effect on March 1, 2016.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- HEALTH CARE ACCESSIBILITY AND
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- 1 This act would require that health care facilities seek the use of licensed Rhode Island
- 2 nurses to satisfy staffing needs but would permit exceptions in certain emergency situations.
- 3 This act would take effect on March 1, 2016.

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