

HB 1684 -- HOSPITAL PATIENT PROTECTION ACT

SPONSOR: Appelbaum

This bill establishes the "Missouri Hospital Patient Protection Act". The bill requires all hospitals licensed under Chapter 197, RSMo, to create and implement a staffing plan for each hospital unit, clinical unit, and patient care area. The plan must be in writing and provide that at all times, during all shifts, there be minimum staffing levels as specified in the bill. The hospital shall specify the system used to document actual staffing per shift. The hospital shall evaluate annually its staffing plan, update its staffing plan as necessary, and submit to the Department of Health and Senior Services its updated plan.

Each hospital shall make available their staffing plan and any related documentation to the Department, direct care registered nurses and their collective bargaining representatives, and the public. Each hospital shall maintain records of their actual staffing levels for no less than three years.

Each patient shall be assigned to a direct care registered nurse responsible to provide assessment, planning, supervision, implementation, and evaluation of care services for the patient. A hospital shall not assign a direct care registered nurse to a hospital unit, clinical unit, or patient care area unless the nurse has demonstrated current competence in providing care in such unit or area and received relevant orientation.

Other personnel may perform patient care tasks based on their training and demonstrated skills, but shall not perform or assist in direct care registered nurse functions.

Staffing and care provisions established pursuant to this bill shall not apply when the Governor has declared a state of emergency and a hospital is required to provide an exceptional level of emergency or other medical services.

The Department shall conduct periodic audits to ensure implementation of the staffing plan and establish a toll-free phone line to provide information about these requirements and accept reports of violations. No person whether an employee, patient, or otherwise, who is acting in good faith shall be retaliated against in any way.

A nurse has a duty and a right to act based upon their professional judgment and provide care in the exclusive interests of the patient and to act as the patient's advocate. A hospital shall not

discharge, retaliate against, or otherwise take adverse action against a nurse for taking such action.

Each hospital shall post in an appropriate location in each hospital unit, clinical unit, or patient care area a conspicuous notice in a form specified by the Department explaining the rights of nurses, patients, and other individuals, include a statement that such persons may file a complaint against the hospital with the Department, and provide instructions for filing a complaint.

In addition to other penalties pursuant to law, the Department may impose a civil penalty of up to \$25,000 for each violation against a hospital that violates the provisions of this bill, and may impose a civil penalty of at least \$25,000 if the Department determines the hospital has a pattern of such violation. The Department shall post on its website any facility that have been penalized for violating these provisions.

The provisions of this bill shall not be construed to authorize conduct that is prohibited under the National Labor Relations Act or the Federal Labor Relations Act of 1978.

This bill is similar to HB 1675 (2024), HB 322 (2023), and HB 2227 (2022).