

SENATE No. 1361

The Commonwealth of Massachusetts

PRESENTED BY:

Lydia Edwards

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:	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>1/26/2023</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>1/26/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2023</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>1/26/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/26/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>1/27/2023</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>1/27/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>1/31/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/31/2023</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/31/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/1/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2023</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>2/2/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/11/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/11/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>2/13/2023</i>

<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>3/6/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>4/10/2023</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>4/27/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>8/1/2023</i>

SENATE No. 1361

By Ms. Edwards, a petition (accompanied by bill, Senate, No. 1361) of Lydia Edwards, Michael D. Brady, Paul W. Mark, Jack Patrick Lewis and other members of the General Court for legislation to promote patient safety and equitable access to care. 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 the passage of
48 this act.