

1 exceptional level of emergency or other medical services at a
2 particular healthcare facility. "Declared state of emergency"
3 shall not include an emergency relating to a labor dispute in
4 the healthcare industry or consistent understaffing in a
5 healthcare facility.

6 "Department" means the department of health.

7 "Registered nurse" means a registered nurse licensed under
8 section 457-7 or an advanced practice registered nurse licensed
9 under section 457-8.5.

10 "Health care facility" means:

- 11 (1) A hospital licensed under section 321-14.5;
- 12 (2) A home care agency licensed under section 321-14.8;
- 13 (3) An adult residential care home licensed under section
14 321-15.6; and
- 15 (4) An expanded adult residential care home under
16 section 321-15.62.

17 "Patient care unit" means any area of a healthcare facility
18 where a patient receives care.

19 § -2 **Application and construction.** (a) All healthcare
20 facilities shall be subject to the requirements of this chapter;
21 provided that this chapter shall not be construed to:



- 1 (1) Change the scope of practice of any registered nurse;
- 2 or
- 3 (2) Provide an exemption from the minimum staffing
- 4 requirements established by any other law, rule, or
- 5 standard.

6 § -3 Minimum staffing requirements of registered nurses.

7 (a) Except as provided in section -4, a healthcare facility
8 shall assign at least the number of registered nurses at all
9 times during every shift consistent with the minimum
10 requirements established in this section.

11 (b) Each healthcare facility shall assign a registered
12 nurse to no more than:

13 (1) One patient when:

14 (A) The patient is receiving critical care or
15 intensive care; or

16 (B) The nurse is assigned to a patient care unit,
17 other than a unit providing emergency services,
18 that receives patients requiring critical care or
19 intensive care, including a critical care unit,
20 an intensive care unit, or a patient care unit



- 1 with neonatal intensive care or pediatric
2 intensive care patients;
- 3 (2) One patient when:
- 4 (A) The patient is in an operating room; or
5 (B) The nurse is assigned to an operating room;
6 provided that the healthcare facility shall also
7 assign a minimum of one scrub assistant for each
8 patient in an operating room in addition to the
9 assigned registered nurse;
- 10 (3) One patient when the patient is receiving conscious
11 sedation;
- 12 (4) One patient when:
- 13 (A) The patient is receiving postanesthesia care; or
14 (B) The nurse is assigned to a patient care unit that
15 receives patients who require post-anesthesia
16 care, including a pediatric postanesthesia care
17 unit;
- 18 (5) Three patients when:
- 19 (A) The patients are receiving step-down or
20 intermediate care; or



- 1 (B) The nurse is assigned to a patient care unit that
- 2 receives patients requiring step-down or
- 3 intermediate care, including a step-down or
- 4 intermediate care unit;
- 5 (6) Three patients when:
 - 6 (A) The patients are receiving emergency medical
 - 7 services and do not require critical care or
 - 8 trauma services; or
 - 9 (B) The nurse is assigned to a patient care unit that
 - 10 receives patients requiring emergency medical
 - 11 services, including an emergency department or
 - 12 emergency room;
- 13 (7) One patient when the patient is receiving emergency
- 14 services and requires critical care;
- 15 (8) One patient when the patient is receiving emergency
- 16 services and requires trauma services;
- 17 (9) Three patients when the patients are antepartum and
- 18 not in active labor;
- 19 (10) Two patients when the patients are antepartum and
- 20 require continuous fetal monitoring;



- 1 (11) One patient when the nurse is assigned to initiate the
2 patient for epidural anesthesia or the nurse is
3 assigned as the circulating nurse for cesarean
4 delivery;
- 5 (12) One patient when the patient is in active labor;
- 6 (13) One patient who is giving birth when the nurse has
7 been assigned only to that patient and one newborn
8 patient when the nurse has been assigned only to that
9 newborn patient;
- 10 (14) One newborn patient when the patient is unstable, as
11 determined by the nurse;
- 12 (15) One patient couplet of one parent and one newborn when
13 the parent has given birth within the previous two
14 hours; provided that in the case of multiple births,
15 one registered nurse shall be assigned for each
16 additional newborn when the registered nurse has been
17 assigned only to that newborn;
- 18 (16) Two patient couplets of one parent and one newborn
19 when the patients are postpartum;
- 20 (17) Four patients when the patients are receiving
21 postpartum or postoperative gynecological care and



1 when the nurse has been assigned only to patients
2 receiving postpartum or postoperative gynecological
3 care;

4 (18) Two newborn patients when:

5 (A) The patients are receiving intermediate care; or

6 (B) The nurse has been assigned to a patient care
7 unit that receives newborn patients requiring
8 intermediate care;

9 (19) Three patients when:

10 (A) The patients are minors; or

11 (B) The nurse is assigned to a patient care unit that
12 receives patients who are minors;

13 (20) Two patients who are minors when:

14 (A) The patients are receiving bone marrow transplant
15 services; or

16 (B) The nurse is assigned to a patient care unit that
17 receives bone marrow transplant patients who are
18 minors;

19 (21) One patient when:

20 (A) The patient is receiving coronary care services;

21 or



1 (B) The nurse is assigned to a patient care unit that
2 receives patients requiring coronary care
3 services;

4 (22) One patient when:

5 (A) The patient requires burn care services; or

6 (B) The nurse is assigned to a patient care unit that
7 receives patients requiring burn care services;

8 (23) One patient when:

9 (A) The patient is receiving acute respiratory care
10 services; or

11 (B) The nurse is assigned to a patient care unit that
12 receives patients requiring acute respiratory
13 care services;

14 (24) Three patients when:

15 (A) The patients are receiving telemetry services; or

16 (B) The nurse is assigned to a patient care unit that
17 receives patients requiring telemetry services;

18 (25) Four patients when:

19 (A) The patients are receiving medical surgical care
20 services; or



1 (B) The nurse is assigned to a patient care unit that
2 receives patients requiring medical surgical care
3 services;

4 (26) Three patients when:

5 (A) The patients are receiving observational care
6 services; or

7 (B) The nurse is assigned to a patient care unit that
8 receives patients requiring observational care
9 services;

10 (27) Four patients when:

11 (A) The patients are receiving acute rehabilitation
12 services; or

13 (B) The nurse is assigned to a patient care unit that
14 receives patients requiring acute rehabilitation
15 services;

16 (28) Four patients when:

17 (A) The patients are receiving specialty care
18 services; or

19 (B) The nurse is assigned to a patient care unit
20 receiving patients requiring specialty care
21 services, including a specialty care unit,



1 neurological care unit, gastrointestinal unit,
2 orthopedic unit, or any other unit that is
3 organized, operated, and maintained to provide
4 care for a specific medical condition or a
5 specific patient population;

6 (29) Four patients when:

7 (A) The patients are receiving presurgical admissions
8 services; or

9 (B) The nurse is assigned to a patient care unit that
10 receives patients requiring presurgical
11 admissions services;

12 (30) Four patients when:

13 (A) The patients are receiving ambulatory surgical
14 care services or procedures; or

15 (B) The nurse is assigned to a patient care unit that
16 provides ambulatory surgical care services or
17 procedures;

18 (31) Four patients when:

19 (A) The patients are receiving psychiatric treatment
20 or services; or



1 (B) The nurse is assigned to a patient care unit that
2 receives patients requiring psychiatric treatment
3 or services; and

4 (32) Four patients in any other patient care unit or for
5 any other patient condition.

6 (c) A healthcare facility may assign a registered nurse to
7 patients receiving triage services if the nurse is performing
8 only triage functions and can be immediately available to
9 patients requiring triage services arriving in a patient care
10 unit that receives patients requiring emergency medical
11 services.

12 (d) A healthcare facility shall assign registered nurses
13 in a patient care unit under subsection (a) to meet the highest
14 level of intensity and type of care provided in the patient care
15 unit. When more than one requirement in subsection (a) applies
16 to a patient, a healthcare facility shall assign a registered
17 nurse according to the lowest numerical patient assignment
18 applicable to the patient.

19 (e) If in the professional judgment of the registered
20 nurse, a patient requires the assignment of more than the number
21 of registered nurses required under this section, a healthcare



1 facility shall assign additional registered nurses to the
2 patient consistent with the registered nurse's professional
3 judgment.

4 **§ -4 Exceptions to staffing requirements.** (a) The
5 registered nurse staffing assignments required under
6 section -3 shall not apply during a declared state of
7 emergency.

8 (b) It shall be a defense to a complaint alleging a
9 violation of section -3 filed against a healthcare facility
10 that the healthcare facility demonstrates that it undertook
11 prompt and diligent efforts to maintain the staffing assignments
12 required under section -3 despite the declared state of
13 emergency.

14 **§ -5 Staffing calculation requirements.** (a) A patient
15 shall be assigned to a registered nurse. A patient shall be
16 considered to be assigned to a registered nurse if the nurse
17 accepts responsibility for the patient's care and meets the
18 requirements under section -6.

19 (b) A healthcare facility shall not average the number of
20 patients or number of registered nurses in a patient care unit
21 for purposes of this chapter.



1 (c) A healthcare facility shall not include in the
2 nurse-to-patient ratios required under this chapter an ancillary
3 staff person or a nurse who does not provide direct, in-person,
4 hands-on care to a patient, including a nurse administrator,
5 nurse supervisor, nurse manager, charge nurse, or case manager.
6 A registered nurse who is also a nurse administrator, nurse
7 supervisor, nurse manager, charge nurse, case manager, or any
8 other healthcare facility administrator or supervisor may be
9 included in the calculation of the registered nurse staffing
10 assignments required under section -3 if the registered
11 nurse:

- 12 (1) Has a current and active direct patient care
13 assignment;
- 14 (2) Provides direct patient care in compliance with the
15 requirements of this chapter;
- 16 (3) Has demonstrated current competency in providing care
17 in the assigned patient care unit and has received
18 orientation to the unit sufficient to provide
19 competent, safe, therapeutic, and effective care to
20 patients in the unit;



1 (4) Has the principal responsibility of providing direct
2 patient care and has no additional job duties when the
3 nurse has a patient assignment; and

4 (5) Is providing relief for a registered nurse during
5 breaks, meals, or other routine absences from the
6 unit.

7 (d) A healthcare facility shall not assign an ancillary
8 staff person to perform tasks that involve professional judgment
9 or the skill of a registered nurse, including patient
10 assessment, evaluation, and implementation of a nursing care
11 plan and administration of medications, even if the provision of
12 care is under the supervision of a registered nurse.

13 (e) A healthcare facility shall not include a registered
14 nurse in the calculation unless the nurse has the principal
15 responsibility of providing direct patient care to the assigned
16 patient and has no additional job duties other than direct
17 patient care, such as a nurse with triage, external
18 communications, or emergency transport duties.

19 (f) A healthcare facility shall not impose a mandatory
20 overtime requirement on a registered nurse.



1 (g) A healthcare facility shall not lay off or otherwise
2 reduce the availability of ancillary staff persons to meet the
3 registered nurse staffing assignments required under
4 section -3.

5 (h) A healthcare facility shall not use any form of
6 electronic monitoring, including video monitoring or other
7 remote monitoring, to fulfill staffing requirements under this
8 chapter.

9 (i) Each healthcare facility shall plan for routine
10 fluctuations in the number of patients being treated in the
11 facility resulting from circumstances such as admissions,
12 discharges, and transfers of patients to maintain staffing
13 ratios under section -3.

14 § -6 **Assignment of registered nurses.** (a) No less than
15 once each shift, each healthcare facility shall assign to a
16 patient a registered nurse responsible for the provision of care
17 to the patient under this section.

18 (b) Each healthcare facility shall not assign a registered
19 nurse to a patient unless the nurse has demonstrated current
20 competency in providing care to patients in the patient care



1 unit and has also received orientation to the unit sufficient to
2 provide care to patients.

3 (c) A healthcare facility may assign a registered nurse to
4 relieve the originally assigned registered nurse for breaks,
5 meals, and other routine, expected absence only if the relieving
6 nurse has demonstrated to the facility competency in providing
7 care to patients in the patient care unit and received
8 orientation to the unit sufficient to provide care to patients.

9 (d) Each healthcare facility shall include in its policies
10 and procedures its criteria for making a staffing assignment
11 under this section.

12 § -7 Use of technology. (a) A healthcare facility
13 shall not use electronic monitoring, including video monitoring
14 or other remote monitoring, to substitute for the direct
15 observation by a registered nurse or an ancillary staff person
16 required for patient protection.

17 (b) For purpose of this chapter, a healthcare facility
18 shall not adopt policies or practices that:

19 (1) Employ:

20 (A) Health information technology;



1 (B) Algorithms used to achieve a medical or nursing
2 care objective,

3 (C) Systems based on artificial intelligence or
4 clinical practice guidelines that limit or
5 substitute for the direct care provided by an
6 assigned registered nurse in the performance of
7 functions that are part of the nursing process,
8 including the full exercise of independent
9 professional judgment; or

10 (D) Systems that limit a registered nurse from acting
11 as a patient advocate in the exclusive interests
12 of the patient; or

13 (2) Penalize a registered nurse for overriding technology
14 or guidelines prohibited in paragraph (1) if in the
15 registered nurse's professional judgment and in
16 accordance with the registered nurse's scope of
17 practice is in the best interest of the patient to do
18 so.

19 § -8 **Patient advocacy.** (a) A registered nurse shall
20 have the duty and right to:

21 (1) Act based on the nurse's professional judgment;



1 (2) Provide care in the exclusive interests of the
2 patient; and

3 (3) Act as the patient's advocate.

4 (b) A registered nurse shall exercise professional
5 judgment in the performance of the nurse's duties within the
6 nurse's scope of practice in accordance with chapter 457 in the
7 exclusive interests of the patient. A registered nurse's
8 actions under this subsection shall not be considered, relied
9 upon, or represented as a job function, authority,
10 responsibility, or activity undertaken for the purpose of
11 serving the business, commercial, operational, or other
12 institutional interests of the employer.

13 (c) A registered nurse shall provide competent, safe,
14 therapeutic, and effective nursing care to an assigned patient.
15 Before accepting a patient assignment, a registered nurse shall:

16 (1) Have the necessary knowledge, judgment, skills, and
17 ability to provide the required care;

18 (2) Determine using the nurse's professional judgment
19 whether the nurse is competent to perform the nursing
20 care needed by a patient who is in a particular
21 patient care unit or who has a particular diagnosis,



1 condition, prognosis, or other determinative
2 characteristic affecting nursing care; and
3 (3) Determine using the nurse's professional judgment
4 whether acceptance of a patient assignment would
5 expose the patient or registered nurse to the risk of
6 harm.

7 (d) As part of a registered nurse's patient advocacy, a
8 registered nurse may object to or refuse to accept or
9 participate in any activity, policy, practice, assignment, or
10 task in a healthcare facility if the registered nurse:

11 (1) Believes, based on the nurse's professional judgment,
12 that the activity, policy, practice, assignment, or
13 task would violate chapter 457 or be outside the
14 nurse's scope of practice;

15 (2) Believes, based on the nurse's professional judgment,
16 that the activity, policy, practice, assignment, or
17 task would violate the staffing requirements under
18 section -3 or would violate any other provision of
19 this chapter; or

20 (3) Believes, based on the nurse's professional judgment,
21 that the nurse is not prepared by education, training,



1 or experience to fulfill the assignment without
2 compromising the safety of a patient or jeopardizing
3 the license of the registered nurse.

4 (e) A healthcare facility, an employee of a healthcare
5 facility who is primarily responsible for managing the facility,
6 or an employee of the facility who is primarily responsible for
7 providing patient care services shall not:

- 8 (1) Interfere with or prevent a registered nurse from
9 exercising professional judgment under this section;
- 10 (2) Limit a registered nurse in performing duties that are
11 a part of the nursing process, including full exercise
12 of professional judgment in assessment, planning,
13 implementation, and evaluation of care;
- 14 (3) Limit a registered nurse in acting as a patient
15 advocate in the exclusive interests of the patient; or
- 16 (4) Discharge from duty, threaten, or otherwise retaliate
17 against a registered nurse who reports an unsafe
18 practice or violation of policy, federal or state law,
19 federal regulation, or state rule.

20 § -9 **Record and notice requirements.** (a) A healthcare
21 facility shall maintain and disclose records relating to actual



1 staffing assignments and any method used to meet the
2 requirements of this chapter under this section and rules
3 adopted by the department.

4 (b) Records maintained and disclosed under this section
5 shall include:

6 (1) The number of patients in each patient care unit
7 during each shift;

8 (2) The identity and duty hours of each registered nurse
9 assigned to each patient in each patient care unit
10 during each shift;

11 (3) The identity and duty hours of each ancillary staff
12 person for each patient care unit during each shift;

13 (4) Certification that each registered nurse received rest
14 and meal breaks and the identity and duty hours of
15 each registered nurse who provided relief during the
16 breaks; and

17 (5) A copy of each notice required under subsection (d).

18 (c) Records under this section shall be maintained for at
19 least three years.

20 (d) 'Each healthcare facility shall submit all records
21 under this section to the department. The chief nursing officer



1 shall certify that the records submitted to the department under
2 this subsection completely and accurately reflect staffing
3 assignments in each patient care unit. The certification shall
4 be executed under penalty of perjury and shall contain an
5 express acknowledgment that any false statement constitutes
6 fraud and is subject to criminal prosecution or civil penalties.

7 (e) A healthcare facility shall post in each patient care
8 unit a notice in a form specified by the department that:

- 9 (1) Explains the requirements of record maintenance under
10 this section;
- 11 (2) Includes actual registered nurse staffing assignments
12 in each patient care unit during each shift;
- 13 (3) Includes the actual number of ancillary staff persons
14 and the skill mix of the ancillary staff persons in
15 each patient care unit during each shift;
- 16 (4) Identifies the variance between the required and
17 actual staffing assignments in each patient care unit
18 during each shift; and
- 19 (5) Is visible, conspicuous, and accessible to healthcare
20 facility staff, patients, and the public.



1 (f) Records maintained under this section shall be
2 available on the healthcare facility's website.

3 § -10 **Audits.** The department shall conduct periodic
4 audits to ensure that a healthcare facility has implemented the
5 registered nurse staffing requirement under this chapter.

6 § -11 **Administrative sanctions; investigation.** (a) The
7 department may direct a healthcare facility to correct any
8 violations under this chapter in a manner and within a time
9 frame that the department determines appropriate to ensure
10 compliance or protect public health.

11 (b) A healthcare facility found in violation of:

12 (1) Section -3, -5, -6, -7, or -9, shall be
13 assessed a fine of not more than \$10,000; and

14 (2) Section -8, shall be assessed a fine of not more
15 than \$25,000.

16 Each day of violation shall be considered a separate offense.

17 § -12 **Complaints.** An individual may file a complaint
18 with the department against a healthcare facility for violations
19 of this chapter.

20 § -13 **Rulemaking.** The department may adopt rules under
21 chapter 91 for purposes of this chapter."



1 SECTION 2. This Act shall take effect on January 1, 2026.

2

INTRODUCED BY:

Karen Spay

JAN 13 2025



H.B. NO. 62

Report Title:

Healthcare Facilities; Hospitals; Care Homes; Nurses; Ratios

Description:

Implements various nurse-to-patient ratios at hospitals and care homes. Requires the Department of Health to audit healthcare facility compliance.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

