

CHA Key Messages

SB 227 (Leyva)

Recent Amendments Fail to Address Shortcomings of Duplicative Nurse Staffing Ratio Penalty System

- 1. SB 227 would establish duplicative financial penalties for any staffing ratio violation, even if only momentary, without considering whether the violation caused any harm or risk of harm to a patient.**
 - For hospitals, there is no greater responsibility than protecting patients. Ensuring that every patient receives timely and appropriate care from qualified nurses is core to our mission.
 - State officials already inspect hospitals to assure patient safety and quality. Under current law, penalties of up to \$125,000 can be imposed whenever an inspection finds that a patient was harmed or placed at risk of harm, including any failure to meet staffing ratios.
 - The current system effectively addresses situations in which staffing decisions adversely impact patient care. Creating another system is unnecessary.
- 2. The bill's author has proffered amendments that attempt to address hospitals' concerns, but they fall well short of creating a system that puts patients first.**
 - We appreciate certain amendments that attempt to bridge the gap between the proposed law and our support of appropriate care delivery, such as reducing the fine amounts from \$30,000 for the first fine and \$60,000 for the second and subsequent to \$15,000 and \$30,000, respectively; reducing the fine violation reset time from six to three years; and allowing the California Department of Public Health to use discretion when evaluating whether to impose an administrative penalty.
 - However, the fact remains that SB 227 would impose redundant, punitive fines for hospitals that — even for a moment — do not meet staffing ratios.
 - Further, the amendments include a particularly troubling provision that would require hospitals to exhaust their “on-call” list of nurses before utilizing an available onsite

nurse. Hospitals use a variety of available options to provide appropriate coverage — and because not all institutions have, or use, the same options in the same manner, this amendment simply doesn't reflect how care is actually delivered in California's hospitals.

- Because nurse leaders need flexibility to adjust their staffing based on the needs of their patients, these decisions should be in the hands of clinical professionals, not the state government.

3. At a time when providers and policymakers agree on the need to reduce health care costs, imposing additional penalties on hospitals without any additional benefit to patients only further burdens the system.

- California's nurse staffing ratio mandate already adds approximately \$2.9 billion annually to the cost of hospital care in California.
- Imposing additional penalties on hospitals when there is no risk of harm to patients does nothing more than increase the cost of care for everyone.