

Headlines from the Hill

2008 state legislative wrap-up

By Janet Haebler, MSN, RN

The 2008 elections were historic. Voters on November 4 left their mark on the state political landscape, shifting the partisan control of state government in a dozen states. Democrats gained control of both houses in four state legislatures—Delaware, Nevada, New York, and Wisconsin. Republicans gained two Southern legislatures—Oklahoma and Tennessee—for the first time. And women made history in New Hampshire.

State legislative wins for nursing also were extraordinary. Safe nurse staffing was signed into law in three states in 2008—Connecticut, Ohio, and Washington—following Illinois in 2007. Each of the states used the approach of requiring a hospital-wide staffing committee with representation from direct-care RNs. These committees are responsible for assisting in development of a staffing plan specific to each unit, as well as subsequent policies and procedures for adjusting and evaluating plan effectiveness. New York and Pennsylvania joined 13 other states in addressing restrictions in the use of mandatory overtime, while West Virginia was the latest state to establish restrictions for those able to use the title “nurse.” West Virginia joined more than 20 states in which only those licensed as registered nurses, nurse practitioners, or licensed practical nurses may use the title “nurse.”

Prompted by ANA’s Handle with Care Campaign (which began in 2004), eight states have enacted safe patient-handling legislation—Maryland, Minnesota, New

Jersey, New York, Ohio, Rhode Island, Texas, and Washington; Hawaii has passed a resolution. In 2008, Maryland extended safe patient-handling practices to residents and employees of nursing homes (its 2007 legislation applied to hospitals only). By December 1, 2008, each Maryland nursing home was required to establish a safe patient-handling work group with equal membership between management and employees. By July 1, 2009, these work groups must develop a policy with the goals of reducing employee injuries associated with lifting; developing or enhancing the use of patient-handling hazard assessment processes; enhancing the use of lifting devices with incorporation of lift teams; and determining the process for evaluating the program.

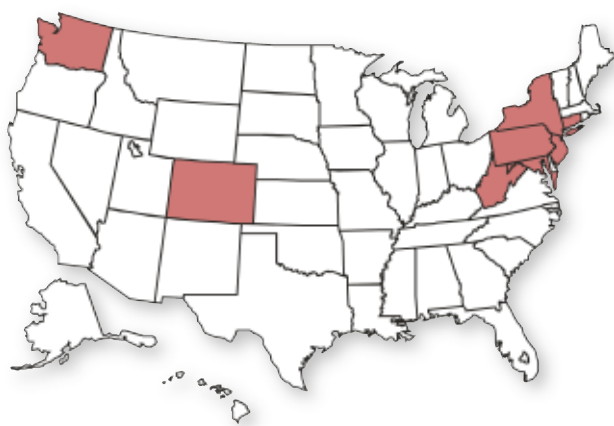
Colorado amended its revised statutes to include nursing-sensitive quality measures in the comprehensive hospital information system. It’s yet to be decided whether quality measures will be reported in the hospital report card for the hospital as a whole or at the unit level. Nursing-sensitive quality measures (as defined by the National Quality Forum) to be collected and reviewed by November 30, 2010, include skill mix, nursing hours per patient day, voluntary turnover, patient falls prevalence rate, and patient falls with injury.

Both New Jersey and Oregon addressed workplace violence through comprehensive legislation in 2007. In 2008, West Virginia signed into law enhanced criminal penalties in response to violent acts committed against licensed and certified healthcare professionals. This action represented the extension of the same protections to healthcare workers that are given to others who serve the public and are regularly exposed to the threat of physical violence while performing their jobs. Hawaii focused specifically on assaults of persons employed at a state-operated or contracted mental health facility, making such assault a Class C felony.

States have used numerous options when addressing whistleblower protections for healthcare workers. New Jersey protections were included in workplace violence legislation signed into law in January 2008 that prohibiting a covered healthcare facility from retaliating against any healthcare worker for reporting an incident of violence. Vermont’s 2008 law applies only to state employees, enabling them to report in “good faith and with candor, any waste, fraud, abuse of authority, violations of law, or a threat to the health of employees, the public, or persons under the care of the state without fear of reprisal, intimidation, or retaliation.” ★

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2008 state legislative victories for nursing



All shaded states in the map above experienced major legislative changes affecting nursing.