

# SENATE BILL 1020

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CF 4r2175

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By: **Senator A. Washington**

Introduced and read first time: February 2, 2024

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals – Clinical Staffing Committees and Plans – Establishment**  
3 **(Safe Staffing Act of 2024)**

4 FOR the purpose of requiring each hospital licensed in the State to establish and maintain  
5 a clinical staffing committee and to implement a clinical staffing plan; requiring the  
6 Health Services Cost Review Commission to conduct investigations regarding  
7 alleged violations of certain provisions of this Act; authorizing the Health Services  
8 Cost Review Commission to take certain actions if the Commission determines a  
9 violation has occurred; and generally relating to hospitals and clinical staffing  
10 committees and plans.

11 BY adding to

12 Article – Health – General

13 Section 19–388 through 19–398 to be under the new part “Part XII. Clinical Staffing  
14 Committees and Plans”

15 Annotated Code of Maryland

16 (2023 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – Health – General**

20 **19–386. RESERVED.**

21 **19–387. RESERVED.**

22 **PART XII. CLINICAL STAFFING COMMITTEES AND PLANS.**

23 **19–388.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (B) (1) "ANCILLARY MEMBER OF THE FRONTLINE TEAM" MEANS AN  
4 INDIVIDUAL WHOSE PRIMARY DUTIES INCLUDE SUPPORTING INDIVIDUALS WHO  
5 PROVIDE DIRECT PATIENT CARE.

6 (2) "ANCILLARY MEMBER OF THE FRONTLINE TEAM" INCLUDES:

7 (I) DIETARY WORKERS;

8 (II) PATIENT CARE TECHNICIANS; AND

9 (III) OTHER NONLICENSED STAFF ASSISTING WITH PATIENT  
10 CARE.

11 (C) "CLINICAL STAFFING COMMITTEE" MEANS THE COMMITTEE  
12 ESTABLISHED BY A HOSPITAL IN ACCORDANCE WITH § 19-390 OF THIS SUBTITLE.

13 (D) "CLINICAL STAFFING PLAN" MEANS THE PLAN REQUIRED TO BE  
14 DEVELOPED UNDER § 19-391 OF THIS SUBTITLE.

15 (E) "COMMISSION" MEANS THE HEALTH SERVICES COST REVIEW  
16 COMMISSION ESTABLISHED UNDER SUBTITLE 2 OF THIS TITLE.

17 (F) "UNFORESEEABLE EMERGENCY CIRCUMSTANCE" MEANS:

18 (1) AN OFFICIALLY DECLARED NATIONAL, STATE, OR LOCAL  
19 EMERGENCY;

20 (2) AN EVENT THAT CAUSES A HOSPITAL TO ACTIVATE THE  
21 HOSPITAL'S DISASTER PLAN; OR

22 (3) A NATURAL OR MANMADE DISASTER OR CATASTROPHIC EVENT  
23 THAT IMMEDIATELY AFFECTS OR INCREASES THE NEED FOR HEALTH CARE  
24 SERVICES.

25 19-389.

26 THIS PART MAY NOT BE CONSTRUED TO:

1           **(1) REPLACE OR SUPPLANT ANY COMPLAINT MECHANISM**  
2 **ESTABLISHED BY A HOSPITAL, INCLUDING ANY COMPLAINT MECHANISM DESIGNED**  
3 **TO COMPLY WITH ANY EXISTING FEDERAL, STATE, OR LOCAL LAWS;**

4           **(2) LIMIT OR SUPPLANT THE RIGHTS OF EMPLOYEES OR THEIR**  
5 **EXCLUSIVE REPRESENTATIVES TO ENFORCE RIGHTS CONFERRED UNDER THE**  
6 **TERMS OF A COLLECTIVE BARGAINING AGREEMENT; OR**

7           **(3) AFFECT MORE STRINGENT STANDARDS IN FEDERAL OR STATE**  
8 **LAW OR REGULATION OR THE TERMS OF AN APPLICABLE COLLECTIVE BARGAINING**  
9 **AGREEMENT.**

10 **19-390.**

11           **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR**  
12 **BEFORE JANUARY 1, 2025, EACH HOSPITAL LICENSED UNDER THIS TITLE SHALL**  
13 **ESTABLISH AND MAINTAIN A CLINICAL STAFFING COMMITTEE.**

14           **(2) A HOSPITAL MAY COMPLY WITH THE REQUIREMENT UNDER**  
15 **PARAGRAPH (1) OF THIS SUBSECTION BY ASSIGNING THE DUTIES OF A CLINICAL**  
16 **STAFFING COMMITTEE TO AN EXISTING COMMITTEE IN THE HOSPITAL THAT MEETS**  
17 **THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.**

18           **(B) (1) (I) AT LEAST 50% OF THE MEMBERSHIP OF A CLINICAL**  
19 **STAFFING COMMITTEE MUST BE COMPOSED OF REGISTERED NURSES, LICENSED**  
20 **PRACTICAL NURSES, CERTIFIED NURSING ASSISTANTS, AND ANCILLARY MEMBERS**  
21 **OF THE FRONTLINE TEAM IN THE HOSPITAL.**

22                           **(II) THE MEMBERSHIP DESCRIBED IN SUBPARAGRAPH (I) OF**  
23 **THIS PARAGRAPH SHALL BE SELECTED:**

24   **1. IF THERE IS AN APPLICABLE COLLECTIVE**  
25 **BARGAINING AGREEMENT, IN ACCORDANCE WITH THE COLLECTIVE BARGAINING**  
26 **AGREEMENT; OR**

27   **2. BY THE REGISTERED NURSES, LICENSED PRACTICAL**  
28 **NURSES, CERTIFIED NURSING ASSISTANTS, AND ANCILLARY MEMBERS OF THE**  
29 **FRONTLINE TEAM WORKING IN THE HOSPITAL.**

30           **(2) THE REMAINDER OF THE MEMBERSHIP OF A CLINICAL STAFFING**  
31 **COMMITTEE MUST BE COMPOSED OF INDIVIDUALS EMPLOYED IN THE**  
32 **ADMINISTRATION OF THE HOSPITAL AND MAY INCLUDE:**

- 1                   **(I) A CHIEF FINANCIAL OFFICER;**  
2                   **(II) A CHIEF NURSING OFFICER; AND**  
3                   **(III) PATIENT CARE UNIT DIRECTORS OR MANAGERS OR THEIR**  
4 **DESIGNEES.**

5           **(C) (1) A HOSPITAL MAY NOT:**

6                   **(I) REQUIRE A MEMBER OF THE CLINICAL STAFFING**  
7 **COMMITTEE TO PARTICIPATE ON THE CLINICAL STAFFING COMMITTEE OUTSIDE**  
8 **SCHEDULED WORK TIME; OR**

9                   **(II) ADD WORK DUTIES TO OR REASSIGN A MEMBER OF THE**  
10 **CLINICAL STAFFING COMMITTEE AS A RESULT OF THE MEMBER'S PARTICIPATION**  
11 **ON THE CLINICAL STAFFING COMMITTEE.**

12                   **(2) A HOSPITAL SHALL COMPENSATE EACH MEMBER OF THE**  
13 **CLINICAL STAFFING COMMITTEE AT AN APPROPRIATE RATE FOR TIME SPENT**  
14 **PARTICIPATING ON A CLINICAL STAFFING COMMITTEE.**

15 **19-391.**

16           **(A) A CLINICAL STAFFING COMMITTEE SHALL:**

17                   **(1) DEVELOP AND PROVIDE OVERSIGHT FOR THE IMPLEMENTATION**  
18 **OF AN ANNUAL CLINICAL STAFFING PLAN THAT:**

19                   **(I) IS BASED ON PATIENT NEEDS;**

20                   **(II) ESTABLISHES SPECIFIC GUIDELINES OR RATIOS,**  
21 **MATRICES, OR GRIDS INDICATING HOW MANY PATIENTS SHOULD BE ASSIGNED TO**  
22 **EACH REGISTERED NURSE; AND**

23                   **(III) ESTABLISHES THE NUMBER OF REGISTERED NURSES,**  
24 **LICENSED PRACTICAL NURSES, CERTIFIED NURSING ASSISTANTS, AND ANCILLARY**  
25 **MEMBERS OF THE FRONTLINE TEAM THAT SHOULD BE PRESENT ON EACH UNIT AND**  
26 **DURING EACH SHIFT;**

27                   **(2) DEVELOP A PROCESS FOR REEVALUATING AND AMENDING THE**  
28 **CLINICAL STAFFING PLAN AS NECESSARY;**

1           **(3) ESTABLISH RULES AND CRITERIA TO PROVIDE FOR EMPLOYEE**  
2 **CONFIDENTIALITY DURING A REVIEW OF A CLINICAL STAFFING PLAN; AND**

3           **(4) DEVELOP A PROCESS FOR RECEIVING, RESOLVING, AND**  
4 **TRACKING COMPLAINTS REGARDING THE CLINICAL STAFFING PLAN.**

5           **(B) IN DEVELOPING THE CLINICAL STAFFING PLAN, THE CLINICAL**  
6 **STAFFING COMMITTEE SHALL CONSIDER:**

7           **(1) THE AVERAGE NUMBER OF PATIENTS ON EACH UNIT ON EACH**  
8 **SHIFT DURING THE IMMEDIATELY PRECEDING YEAR AND RELEVANT INFORMATION**  
9 **REGARDING PATIENT DISCHARGES, POTENTIAL ADMISSIONS, AND TRANSFERS;**

10           **(2) THE AVERAGE LEVEL OF ACUITY FOR PATIENTS ON EACH UNIT ON**  
11 **EACH SHIFT DURING THE IMMEDIATELY PRECEDING YEAR AND THE**  
12 **CORRESPONDING LEVEL OF NURSING CARE REQUIRED;**

13           **(3) AN ESTIMATE OF THE APPROPRIATE COMBINATION OF SKILL,**  
14 **EXPERIENCE LEVEL, AND SPECIALTY CERTIFICATION OR TRAINING OF STAFF FOR**  
15 **EACH UNIT ON EACH SHIFT THAT IS REQUIRED TO ADEQUATELY PROVIDE CARE;**

16           **(4) THE NEED FOR SPECIALIZED INTENSIVE EQUIPMENT;**

17           **(5) THE ARCHITECTURE AND LAYOUT OF A PATIENT CARE UNIT,**  
18 **INCLUDING PLACEMENT OF PATIENT ROOMS, TREATMENT AREAS, NURSING**  
19 **STATIONS, MEDICATION PREPARATION AREAS, AND EQUIPMENT;**

20           **(6) MECHANISMS AND PROCEDURES REQUIRED TO PROVIDE**  
21 **ONE-TO-ONE PATIENT OBSERVATION OR CARE, AS APPROPRIATE, FOR PATIENTS ON**  
22 **PSYCHIATRIC OR OTHER UNITS;**

23           **(7) MEASURES TO IMPROVE AND ENSURE WORKER AND PATIENT**  
24 **SAFETY;**

25           **(8) SPECIAL CHARACTERISTICS OF EACH UNIT OR PATIENT**  
26 **COMMUNITY POPULATION, INCLUDING PATIENT AGE, CULTURAL OR LINGUISTIC**  
27 **DIVERSITY AND NEEDS, FUNCTIONAL ABILITY, COMMUNICATION SKILLS, OR OTHER**  
28 **RELEVANT SOCIAL OR SOCIOECONOMIC FACTORS;**

29           **(9) STAFFING GUIDELINES ADOPTED OR PUBLISHED IN OTHER**  
30 **STATES OR LOCAL JURISDICTIONS OR BY NATIONAL NURSING PROFESSIONAL**  
31 **ASSOCIATIONS, SPECIALTY NURSING ORGANIZATIONS, OR OTHER HEALTH**  
32 **PROFESSIONAL ORGANIZATIONS;**

1           **(10) AVAILABILITY OF OTHER PERSONNEL SUPPORTING NURSING**  
2 **SERVICES ON EACH UNIT;**

3           **(11) WAIVER OF PLAN REQUIREMENTS IN CASE OF UNFORESEEABLE**  
4 **EMERGENCY CIRCUMSTANCES;**

5           **(12) COVERAGE TO ENABLE REGISTERED NURSES, LICENSED**  
6 **PRACTICAL NURSES, AND ANCILLARY MEMBERS OF THE FRONTLINE TEAM TO TAKE**  
7 **MEAL AND REST BREAKS AND PLANNED TIME OFF, AND TO ACCOMMODATE**  
8 **UNPLANNED ABSENCES THAT ARE REASONABLY FORESEEABLE;**

9           **(13) GENERAL HOSPITAL FINANCES AND RESOURCES; AND**

10           **(14) PROVISIONS FOR LIMITED SHORT-TERM ADJUSTMENTS MADE BY**  
11 **APPROPRIATE HOSPITAL PERSONNEL OVERSEEING PATIENT CARE OPERATIONS TO**  
12 **THE STAFFING LEVELS REQUIRED BY A CLINICAL STAFFING PLAN NECESSARY TO**  
13 **ACCOUNT FOR UNEXPECTED CHANGES IN CIRCUMSTANCES THAT ARE TO BE OF**  
14 **LIMITED DURATION.**

15           **(c) (1) A CLINICAL STAFFING PLAN SHALL COMPLY WITH ALL FEDERAL**  
16 **AND STATE LAWS AND REGULATIONS.**

17           **(2) A CLINICAL STAFFING PLAN SHALL COMPLY WITH AND**  
18 **INCORPORATE ANY MINIMUM STAFFING LEVELS PROVIDED FOR IN APPLICABLE**  
19 **COLLECTIVE BARGAINING AGREEMENTS, INCLUDING:**

20                   **(i) NURSE-TO-PATIENT RATIOS;**

21                   **(ii) CAREGIVER-TO-PATIENT RATIOS;**

22                   **(iii) STAFFING GRIDS;**

23                   **(iv) STAFFING MATRICES; AND**

24                   **(v) ANY OTHER APPLICABLE STAFFING PROVISION.**

25           **(d) AT LEAST EVERY 6 MONTHS, THE CLINICAL STAFFING COMMITTEE**  
26 **SHALL CONDUCT A REVIEW OF THE CLINICAL STAFFING PLAN BY COMPARING THE**  
27 **CLINICAL STAFFING PLAN TO PATIENT NEEDS AND EVIDENCE-BASED STAFFING**  
28 **INFORMATION.**

1           **(E) THE CLINICAL STAFFING COMMITTEE SHALL REVIEW, ASSESS, AND**  
2 **RESOLVE COMPLAINTS REGARDING POTENTIAL VIOLATIONS OF A CLINICAL**  
3 **STAFFING PLAN, STAFFING VARIATIONS, OR OTHER CONCERNS REGARDING THE**  
4 **IMPLEMENTATION OF THE CLINICAL STAFFING PLAN.**

5 **19-392.**

6           **(A) ON OR BEFORE JUNE 1 EACH YEAR, THE CLINICAL STAFFING**  
7 **COMMITTEE OF EACH HOSPITAL SHALL DEVELOP THE HOSPITAL'S CLINICAL**  
8 **STAFFING PLAN.**

9           **(B) EXCEPT AS PROVIDED IN SUBSECTION (C)(1) OF THIS SECTION, ON OR**  
10 **BEFORE JUNE 15 EACH YEAR, THE CLINICAL STAFFING COMMITTEE SHALL ADOPT A**  
11 **CLINICAL STAFFING PLAN BY A MAJORITY VOTE OF THE CLINICAL STAFFING**  
12 **COMMITTEE.**

13           **(C) (1) IF A CLINICAL STAFFING COMMITTEE IS UNABLE TO ADOPT A**  
14 **CLINICAL STAFFING PLAN AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION,**  
15 **THE CHIEF EXECUTIVE OFFICER OF THE HOSPITAL SHALL ADOPT A CLINICAL**  
16 **STAFFING PLAN THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE NOT LATER**  
17 **THAN JUNE 30.**

18           **(2) IF A CHIEF EXECUTIVE OFFICER ADOPTS A CLINICAL STAFFING**  
19 **PLAN UNDER THIS PARAGRAPH (1) OF THIS SUBSECTION, THE CHIEF EXECUTIVE**  
20 **OFFICER SHALL ADOPT A PLAN THAT:**

21                   **(I) IF PRACTICABLE, IS BASED ON A CLINICAL STAFFING PLAN**  
22 **THAT WAS PREVIOUSLY ADOPTED BY THE CLINICAL STAFFING COMMITTEE AS A**  
23 **BASIS FOR THE NEW CLINICAL STAFFING PLAN; AND**

24                   **(II) INCORPORATES ANY STAFFING-RELATED TERMS AND**  
25 **CONDITIONS THAT HAVE BEEN ADOPTED PREVIOUSLY THROUGH A COLLECTIVE**  
26 **BARGAINING AGREEMENT.**

27           **(D) (1) ON OR BEFORE JULY 31 EACH YEAR, EACH HOSPITAL SHALL**  
28 **SUBMIT TO THE COMMISSION:**

29                   **(I) THE CLINICAL STAFFING PLAN;**

30                   **(II) DATA FROM THE IMMEDIATELY PRECEDING YEAR**  
31 **REGARDING THE FREQUENCY AND DURATION OF VARIATIONS FROM THE ADOPTED**  
32 **CLINICAL STAFFING PLAN; AND**

1 (III) THE NUMBER OF COMPLAINTS RECEIVED DURING THE  
2 IMMEDIATELY PRECEDING YEAR RELATING TO THE CLINICAL STAFFING PLAN AND  
3 THE DISPOSITION OF EACH COMPLAINT.

4 (2) (I) ON OR BEFORE AUGUST 14 EACH YEAR, THE COMMISSION  
5 SHALL INCLUDE ON ITS WEBSITE EACH CLINICAL STAFFING PLAN SUBMITTED  
6 UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.

7 (II) IF A HOSPITAL'S CLINICAL STAFFING PLAN IS AMENDED  
8 FOR ANY REASON DURING THE YEAR, THE HOSPITAL SHALL SUBMIT TO THE  
9 COMMISSION AN UPDATED CLINICAL STAFFING PLAN IN A TIMELY MANNER.

10 (III) THE COMMISSION SHALL INCLUDE ON ITS WEBSITE ANY  
11 CLINICAL STAFFING PLAN THAT IS UPDATED UNDER THIS PARAGRAPH IN A TIMELY  
12 MANNER.

13 **19-393.**

14 (A) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2026, EACH  
15 HOSPITAL SHALL:

16 (1) IMPLEMENT THE CLINICAL STAFFING PLAN ADOPTED UNDER §  
17 19-392 OF THIS SUBTITLE; AND

18 (2) ASSIGN PERSONNEL TO EACH PATIENT CARE UNIT IN  
19 ACCORDANCE WITH THE CLINICAL STAFFING PLAN.

20 (B) A REGISTERED NURSE, A LICENSED PRACTICAL NURSE, AN ANCILLARY  
21 MEMBER OF THE FRONTLINE TEAM, OR AN APPLICABLE EXCLUSIVE  
22 REPRESENTATIVE MAY SUBMIT A COMPLAINT TO THE CLINICAL STAFFING  
23 COMMITTEE REGARDING ANY VARIATION WHERE PERSONNEL ASSIGNMENT IN A  
24 PATIENT CARE UNIT IS NOT IN ACCORDANCE WITH THE ADOPTED CLINICAL  
25 STAFFING PLAN.

26 (C) THE CLINICAL STAFFING COMMITTEE SHALL DETERMINE, BY A  
27 MAJORITY VOTE, WHETHER A COMPLAINT HAS BEEN ADEQUATELY RESOLVED.

28 **19-394.**

29 (A) ON OR BEFORE JANUARY 1 EACH YEAR, EACH HOSPITAL SHALL POST IN  
30 A PUBLICLY ACCESSIBLE AND CONSPICUOUS AREA ON EACH PATIENT UNIT THE  
31 CLINICAL STAFFING PLAN FOR THE UNIT AND THE ACTUAL DAILY STAFFING FOR  
32 EACH SHIFT ON THE UNIT.



1           **(B) IF A CLINICAL STAFFING PLAN FOR A UNIT IS AMENDED AFTER IT IS**  
2 **IMPLEMENTED, THE HOSPITAL SHALL POST THE AMENDED CLINICAL STAFFING**  
3 **PLAN FOR THE UNIT IN A TIMELY MANNER.**

4 **19-395.**

5           **A HOSPITAL MAY NOT RETALIATE AGAINST OR ENGAGE IN ANY FORM OF**  
6 **INTIMIDATION OF:**

7           **(1) AN EMPLOYEE FOR PERFORMING DUTIES OR RESPONSIBILITIES**  
8 **IN CONNECTION WITH THE CLINICAL STAFFING COMMITTEE; OR**

9           **(2) AN EMPLOYEE, A PATIENT, OR OTHER INDIVIDUAL WHO NOTIFIES**  
10 **THE CLINICAL STAFFING COMMITTEE OR THE HOSPITAL ADMINISTRATION OF THE**  
11 **INDIVIDUAL'S STAFFING CONCERNS.**

12 **19-396.**

13           **(A) ON RECEIPT OF A COMPLAINT WITH SUPPORTING EVIDENCE, THE**  
14 **COMMISSION SHALL INVESTIGATE AN ALLEGED FAILURE:**

15           **(1) OF A HOSPITAL TO ESTABLISH A CLINICAL STAFFING COMMITTEE**  
16 **AS REQUIRED;**

17           **(2) OF A HOSPITAL TO COMPLY WITH THE REQUIREMENTS OF THIS**  
18 **SUBTITLE IN CREATING A CLINICAL STAFFING PLAN;**

19           **(3) OF A HOSPITAL TO IMPLEMENT ALL OR PART OF AN ADOPTED**  
20 **CLINICAL STAFFING PLAN;**

21           **(4) OF A CLINICAL STAFFING COMMITTEE TO CONDUCT A REVIEW OF**  
22 **A CLINICAL STAFFING PLAN UNDER § 19-391(D) OF THIS SUBTITLE; OR**

23           **(5) OF A HOSPITAL TO SUBMIT TO THE COMMISSION ANY RELEVANT**  
24 **UPDATES TO A CLINICAL STAFFING PLAN.**

25           **(B) IF THE COMMISSION RECEIVES A COMPLAINT OF UNRESOLVED**  
26 **COMPLAINTS RELATING TO A CLINICAL STAFFING PLAN, THE COMMISSION SHALL**  
27 **INITIATE AN INVESTIGATION IF THE COMPLAINT RELATES TO:**

28           **(1) COMPLIANCE WITH AN ADOPTED CLINICAL STAFFING PLAN;**

1           **(2) PERSONNEL ASSIGNMENTS IN A PATIENT CARE UNIT OR**  
2 **STAFFING LEVELS; OR**

3           **(3) ANY OTHER MATTER REQUIRED TO BE INCLUDED IN A CLINICAL**  
4 **STAFFING PLAN IN ACCORDANCE WITH THIS SUBTITLE.**

5           **(C) IF THE COMMISSION INITIATES AN INVESTIGATION UNDER SUBSECTION**  
6 **(B) OF THIS SECTION, THE COMMISSION SHALL DETERMINE WHETHER THERE IS A**  
7 **PATTERN OF FAILURE ON THE PART OF A CLINICAL STAFFING COMMITTEE OR A**  
8 **HOSPITAL:**

9           **(1) TO RESOLVE COMPLAINTS SUBMITTED TO THE CLINICAL**  
10 **STAFFING COMMITTEE; OR**

11           **(2) TO ADOPT A CLINICAL STAFFING PLAN UNDER § 19-392 OF THIS**  
12 **SUBTITLE.**

13           **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
14 **THE COMMISSION SHALL REQUIRE THE HOSPITAL TO SUBMIT A CORRECTIVE**  
15 **ACTION PLAN WITHIN 45 DAYS AFTER THE COMMISSION'S NOTIFICATION OF A**  
16 **VIOLATION IF:**

17                   **(I) THERE HAS BEEN A DETERMINATION OF A VIOLATION**  
18 **UNDER THIS SUBTITLE; OR**

19                   **(II) THE COMMISSION FINDS UNDER SUBSECTION (C) OF THIS**  
20 **SECTION THAT THE CLINICAL STAFFING COMMITTEE IS RESPONSIBLE FOR A**  
21 **PATTERN OF UNRESOLVED COMPLAINTS.**

22           **(2) THE COMMISSION MAY NOT REQUIRE THE HOSPITAL TO SUBMIT A**  
23 **CORRECTIVE PLAN OF ACTION IF THE COMMISSION FINDS THAT THE MEMBERS OF**  
24 **THE CLINICAL STAFFING COMMITTEE WHO ARE ANCILLARY MEMBERS OF THE**  
25 **FRONTLINE TEAM WERE RESPONSIBLE FOR:**

26                   **(I) THE CLINICAL STAFFING COMMITTEE FAILING TO RESOLVE**  
27 **COMPLAINTS; OR**

28                   **(II) A PATTERN OF FAILING TO ADOPT A CLINICAL STAFFING**  
29 **PLAN.**

30           **(E) IN DETERMINING WHETHER A VIOLATION OCCURRED, THE**  
31 **COMMISSION SHALL CONSIDER WHETHER AN UNFORESEEABLE EMERGENCY**

1 CIRCUMSTANCE WAS A MITIGATING FACTOR AFFECTING THE HOSPITAL'S ABILITY  
2 TO FOLLOW AN ADOPTED CLINICAL STAFFING PLAN.

3 **19-397.**

4 (A) IF A HOSPITAL FAILS TO SUBMIT A CORRECTIVE ACTION PLAN IN  
5 ACCORDANCE WITH § 19-396 OF THIS SUBTITLE, THE COMMISSION MAY IMPOSE A  
6 CIVIL PENALTY NOT EXCEEDING \$3,000 FOR EACH VIOLATION.

7 (B) THE COMMISSION SHALL MAINTAIN FOR PUBLIC INSPECTION AND  
8 INCLUDE ON THE COMMISSION'S WEBSITE A RECORD OF ANY CIVIL PENALTY  
9 IMPOSED IN ACCORDANCE WITH THIS SUBTITLE.

10 **19-398.**

11 (A) ON OR BEFORE DECEMBER 31 EACH YEAR, BEGINNING IN 2025, THE  
12 COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR, THE SECRETARY, AND,  
13 IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE  
14 GENERAL ASSEMBLY.

15 (B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION  
16 SHALL INCLUDE, FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR:

17 (1) THE NUMBER OF COMPLAINTS SUBMITTED TO THE COMMISSION  
18 REGARDING A CLINICAL STAFFING COMMITTEE OR CLINICAL STAFFING PLAN;

19 (2) THE NUMBER OF INVESTIGATIONS CONDUCTED BY THE  
20 COMMISSION UNDER § 19-396 OF THIS SUBTITLE;

21 (3) THE DISPOSITION OF COMPLAINTS SUBMITTED TO THE  
22 COMMISSION REGARDING A CLINICAL STAFFING COMMITTEE OR CLINICAL  
23 STAFFING PLAN; AND

24 (4) THE ASSOCIATED COSTS FOR CONDUCTING INVESTIGATIONS AND  
25 RESOLVING COMPLAINTS UNDER THIS SUBTITLE.

26 (C) BEFORE SUBMITTING THE REPORT REQUIRED UNDER SUBSECTION (A)  
27 OF THIS SECTION, THE COMMISSION SHALL CONVENE A STAKEHOLDER  
28 WORKGROUP CONSISTING OF HOSPITAL ASSOCIATIONS AND UNIONS  
29 REPRESENTING NURSES OR ANCILLARY MEMBERS OF THE FRONTLINE TEAM FOR  
30 THE PURPOSES OF REVIEWING THE REPORT.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2024.