

Chapter 235

(Senate Bill 411)

AN ACT concerning

**Hospitals – Clinical Staffing Committees and Plans – Establishment
(Safe Staffing Act of 2026)**

FOR the purpose of requiring certain hospitals licensed in the State to comply with certain staffing standards, to establish and maintain a clinical staffing committee, and to implement a clinical staffing plan; requiring the chief nursing executive of each hospital to produce a draft clinical staffing plan and submit it to the clinical staffing committee of the hospital; requiring each clinical staffing committee to ~~develop~~ finalize a clinical staffing plan; and generally relating to hospitals and clinical staffing committees and plans.

BY adding to

Article – Health – General

Section 19–393 through 19–397 to be under the new part “Part XIII. Clinical Staffing Committees and Plans”

Annotated Code of Maryland

(2023 Replacement Volume and 2025 Supplement)

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

Article – Health – General

19–391. RESERVED.

19–392. RESERVED.

PART XIII. CLINICAL STAFFING COMMITTEES AND PLANS.

19–393.

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

(B) ~~(1) “ANCILLARY MEMBER OF THE FRONTLINE TEAM” MEANS AN INDIVIDUAL WHOSE PRIMARY DUTIES INCLUDE SUPPORTING INDIVIDUALS WHO PROVIDE DIRECT PATIENT CARE.~~

~~(2) “ANCILLARY MEMBER OF THE FRONTLINE TEAM” INCLUDES:~~

~~(I) A DIETARY WORKER;~~

~~(II) A PATIENT CARE TECHNICIAN; AND~~

~~(III) ANY OTHER NONLICENSED STAFF ASSISTING WITH PATIENT CARE.~~

~~(E)~~ “CLINICAL STAFFING COMMITTEE” MEANS A COMMITTEE ESTABLISHED BY A HOSPITAL IN ACCORDANCE WITH ~~SUBSECTION (C) OF THIS SECTION § 19-394(C)~~ OF THIS SUBTITLE.

~~(D)~~ (C) “CLINICAL STAFFING PLAN” MEANS A PLAN DEVELOPED UNDER ~~SUBSECTION (D) OF THIS SECTION § 19-394(D)~~ OF THIS SUBTITLE.

19-394.

(A) THIS PART DOES NOT APPLY TO STATE HOSPITALS.

(B) (1) EACH HOSPITAL LICENSED UNDER THIS TITLE SHALL COMPLY WITH THE STAFFING STANDARDS OF:

(I) THE ACCREDITATION BODY THAT ACCREDITS THE HOSPITAL; AND

(II) THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES CONDITIONS OF PARTICIPATION.

(2) A CLINICAL STAFFING PLAN DEVELOPED UNDER THIS PART SHALL COMPLY WITH THIS SUBSECTION.

(C) (1) EACH HOSPITAL LICENSED UNDER THIS TITLE SHALL ESTABLISH AND MAINTAIN A CLINICAL STAFFING COMMITTEE THAT ~~HAS EQUAL MEMBERSHIP FROM MANAGEMENT AND EMPLOYEES;~~

(I) IF THE HOSPITAL HAS 150 OR FEWER LICENSED BEDS, HAS 3 MANAGERS AND 2 EMPLOYEES; OR

(II) IF THE HOSPITAL HAS 151 OR MORE LICENSED BEDS, HAS 5 MANAGERS AND 4 EMPLOYEES.

(2) EACH CLINICAL STAFFING COMMITTEE ESTABLISHED UNDER THIS PART ~~SHALL~~ MAY INCLUDE AT LEAST ONE OF THE FOLLOWING INDIVIDUALS:

(I) A CERTIFIED NURSING ASSISTANT;

- (II) A DIETARY AIDE;
- (III) ~~AN EMERGENCY ROOM~~ A LICENSED NURSE;
- (IV) AN ENVIRONMENTAL SERVICE WORKER;
- (V) A MEDICAL RESIDENT, IF THE COMMITTEE IS IN A TEACHING HOSPITAL;
- (VI) A STAFF PHYSICIAN WHO IS NOT A HOSPITAL EMPLOYEE OR ADMINISTRATOR; ~~AND~~
- (VII) A TECHNICIAN; OR
- (VIII) AN EMPLOYEE WHOSE DUTIES INCLUDE PATIENT ADVOCACY.

~~(3) A CLINICAL STAFFING COMMITTEE ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE A PATIENT ADVOCATE.~~

~~(D)~~ (D) (1) THE CHIEF NURSE EXECUTIVE OF EACH HOSPITAL SHALL PRODUCE A DRAFT CLINICAL STAFFING PLAN AND SUBMIT IT TO THE CLINICAL STAFFING COMMITTEE OF THE HOSPITAL.

(2) EACH CLINICAL STAFFING COMMITTEE SHALL ~~DEVELOP~~ FINALIZE A CLINICAL STAFFING PLAN THAT MEETS PATIENT NEEDS USING THE PLAN SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(D)~~ (E) WHEN ~~DEVELOPING~~ FINALIZING A CLINICAL STAFFING PLAN, THE CLINICAL STAFFING COMMITTEE SHALL CONSIDER:

- (1) EXISTING STAFFING LEVELS;
- (2) METHODS TO SECURE COVERAGE NEEDS AS NECESSARY;
- (3) EXISTING GAPS IN STAFFING AND HOW TO ADDRESS THE GAPS;
- (4) ANY AVAILABLE EVIDENCE-BASED STAFFING STANDARDS; ~~AND~~
- (5) A SCHEDULE FOR PERIODIC REVIEW OF THE STAFFING PLAN;
- (6) APPROPRIATE SKILL MIX AND COMPETENCY OF STAFF;

(7) STANDARDS REQUIRED BY:

(I) THE CENTERS FOR MEDICARE AND MEDICAID SERVICES CONDITIONS OF PARTICIPATION; AND

(II) THE ACCREDITATION BODY THAT ACCREDITS THE HOSPITAL;

(8) THE AVERAGE NUMBER OF PATIENTS OF THE HOSPITAL DURING THE IMMEDIATELY PRECEDING YEAR AND RELEVANT INFORMATION REGARDING PATIENT DISCHARGES, POTENTIAL ADMISSIONS, AND TRANSFERS;

(9) THE AVERAGE LEVEL OF ACUITY FOR PATIENTS OF THE HOSPITAL DURING THE IMMEDIATELY PRECEDING YEAR AND THE CORRESPONDING LEVEL OF NURSING CARE REQUIRED; AND

(10) AN ESTIMATE OF THE APPROPRIATE COMBINATION OF SKILL, EXPERIENCE LEVEL, AND SPECIALTY CERTIFICATION OR TRAINING OF STAFF THAT IS REQUIRED TO ADEQUATELY PROVIDE CARE TO PATIENTS OF THE HOSPITAL.

~~**(E) ON OR BEFORE JULY 1 EACH YEAR, EACH HOSPITAL, THROUGH THE CLINICAL STAFFING COMMITTEE, SHALL CONDUCT A REVIEW OF THE CLINICAL STAFFING PLAN TO:**~~

~~**(1) EVALUATE THE EFFECTIVENESS OF THE CLINICAL STAFFING PLAN DURING THE IMMEDIATELY PRECEDING YEAR;**~~

~~**(2) UPDATE THE CLINICAL STAFFING PLAN TO ENSURE THAT THE CLINICAL STAFFING PLAN CONTINUES TO BE APPROPRIATE AND EFFECTIVE; AND**~~

~~**(3) DEVELOP A PROCESS FOR RECEIVING, RESOLVING, AND TRACKING COMPLAINTS RELATED TO THE CLINICAL STAFFING PLAN.**~~

~~**(F) IN DEVELOPING THE CLINICAL STAFFING PLAN, THE CLINICAL STAFFING COMMITTEE SHALL CONSIDER:**~~

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

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

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

19-395.

~~(A) ON OR BEFORE JANUARY~~ JULY 1 EACH YEAR, BEGINNING IN 2028, EACH HOSPITAL SHALL:

(1) IMPLEMENT THE CLINICAL STAFFING PLAN ~~ADOPTED~~ FINALIZED UNDER § 19-394 OF THIS SUBTITLE; AND

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

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

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

19-396.

~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON OR BEFORE JANUARY 1 EACH YEAR, EACH~~ EACH HOSPITAL SHALL:

(1) ~~POST IN A PUBLICLY ACCESSIBLE AND CONSPICUOUS AREA ON EACH PATIENT UNIT THE CLINICAL STAFFING PLAN FOR THE UNIT AND THE ACTUAL DAILY STAFFING FOR EACH SHIFT ON THE UNIT; AND~~

(2) ~~ENSURE THAT A COPY OF THE CLINICAL STAFFING PLAN IS AVAILABLE, ON REQUEST, ON EACH PATIENT UNIT~~ PROVIDE THE CLINICAL STAFFING PLAN TO STAFF ON REQUEST.

~~(B) IF A CLINICAL STAFFING PLAN FOR A UNIT IS AMENDED AFTER IT IS IMPLEMENTED, THE HOSPITAL SHALL POST OR PROVIDE THE AMENDED CLINICAL STAFFING PLAN FOR THE UNIT IN THE MANNER REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IN A TIMELY MANNER.~~

19-397.

~~(A) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2030, EACH HOSPITAL LICENSED UNDER THIS TITLE SHALL SUBMIT A REPORT TO THE MARYLAND HEALTH CARE COMMISSION SUMMARIZING HOW THE HOSPITAL'S CLINICAL STAFFING COMMITTEE HAS ADDRESSED SAFE HOSPITAL STAFFING THROUGH THE HOSPITAL'S CLINICAL STAFFING PLAN DURING THE IMMEDIATELY PRECEDING YEAR.~~

~~(B) THE MARYLAND HEALTH CARE COMMISSION SHALL:~~

~~(1) COMPILE THE REPORTS SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION; AND~~

~~(2) MAKE THE COMPILED REPORT PUBLICLY AVAILABLE BY PUBLISHING THE COMPILATION ON THE MAIN PAGE OF ITS WEBSITE.~~

THIS PART MAY NOT BE CONSTRUED TO REQUIRE A HOSPITAL TO TAKE ACTIONS THAT ARE INCONSISTENT WITH THE CENTERS FOR MEDICARE AND MEDICAID SERVICES CONDITIONS OF PARTICIPATION OR THE ACCREDITATION STANDARDS OF THE ACCREDITATION BODY THAT ACCREDITS THE HOSPITAL.

SECTION 2. AND BE IT FURTHER ENACTED, That each hospital shall establish a clinical staffing committee as required under § 19-394 of the Health – General Article, as enacted by Section 1 of this Act, on or before ~~January~~ July 1, 2027.

SECTION 3. AND BE IT FURTHER ENACTED, That each ~~clinical staffing committee~~ hospital shall ~~develop~~ implement a clinical staffing plan as required under § 19-394 of the Health – General Article, as enacted by Section 1 of this Act, on or before July 1, ~~2027~~ 2028.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, April 28, 2026.