

California Nurses Association

For Immediate Release November 4, 2004

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California Nurses Blast Gov. Decision to Erode Safe Staffing Law 'Emergency' Ruling on RN Ratios Endangers Patients

The California Nurses Association condemned a decision by Gov. Arnold Schwarzenegger today, at the behest of the multi-billion dollar hospital industry, to suspend major provisions of California's law requiring safe registered nurse-to-patient staffing ratios, an action "that puts tens of thousands of Californians at risk," said CNA President Deborah Burger, RN.

Schwarzenegger issued an emergency regulation that means:

Ratios for Medical and Surgical units, where about one-third of all hospital patients are placed, will not improve on January 1, 2005, as required by the 1999 law sponsored by CNA. The ratios are currently one RN for every six patients and were to improve to one RN for five patients on January 1, 2005. The ruling says that the safer staffing will be delayed for three years while the Department of Health Services conducts a study of the effects of the law.

Emergency Room ratios would be seriously undermined. The ER ratios, Burger noted, have improved the quality of care in emergency rooms and reduced waiting times. By rolling back those gains, patients will have longer waits for care, and more patients will undoubtedly leave without getting the medical care they need.

Under California's rules for emergency regulations, Schwarzenegger has the authority to suspend laws or regulations for up to 120 days, subject to approval by the state's Office of Administrative Law. However, the law permits extensions beyond the 120 days.

CNA said it will take its own emergency actions in response to the announcement, including a mobilization at the Governor's office at the Capitol on December 1, one month before the improved ratios in Medical and Surgical units were scheduled to go into effect.

"The governor's action today shows a disregard for patient safety in hospitals at a time when every major medical institution in the nation has documented that safe RN staffing saves lives," Burger said. (See examples of those studies below)

"With his action today, Gov. Schwarzenegger has shown he is more concerned with hospital industry profits than with the safety of all of us who will one day be patients," said Burger.

Schwarzenegger's ruling also "threatens the progress we have made in California in reducing the nursing shortage. This irresponsible public policy could actually exacerbate the nursing shortage at a time when those hospitals that have complied with the law have seen their vacancy and turnover rates sharply fall. The ratio law is a major reason why more nurses are coming into California and why more RNs are staying at the bedside."

Since June 30, 2000 (six months after the law was signed) the overall number of actively licensed RNs in California has increased by more than 43,000 in the past four years, from 250,123 to 293,493 as of September 30, 2004.

CNA noted that despite a long campaign by hospital industry opponents to overturn the law, the state has issued only 9 citations of violations of the law based on hospital industry complaints to the state.

CNA also rejected the hospital industry arguments that California hospitals or emergency rooms have closed and that the industry as a whole is in economic peril as a result of the ratios. "The closures that have occurred are not related to the ratios, but to long term economic problems that far predate this patient safety law," said Burger.

"A major reason for economic problems for psychiatric units are cuts this governor has made in mental health funding for counties, including money that counties use to reimburse private hospitals for in-patient psychiatric services," Burger added.

"Overall, the data clearly shows that the vast majority of California hospitals continue to make substantial profits, and when hospitals go on the market, there is a rush by others in the industry to acquire them," said Burger.

California hospitals reported about \$3.9 billion in profits just in 2002, hardly a sign of a floundering industry. \$20.4 billion was spent in California on hospital mergers from 1993-2003, an average price per bed of about \$338,000.

CNA cited at least three major studies linking ratios to patient safety.

Inadequate staffing precipitated one-fourth of all sentinel events – unexpected occurrences that led to patient deaths, injuries, or permanent loss of function – reported to JCAHO, the Joint Commission on Accreditation of Hospital Organizations, the past five years.

Research in the Journal of the American Medical Association found that up to 20,000 patient deaths each year can be linked to preventable patient deaths. For each additional patient assigned to an RN the likelihood of death within 30 days increased by 7 percent. Four additional patients increased the risk of death by 31%. (JAMA, October 22, 2002)

A New England Journal of Medicine study documented that improved RN-to-patient ratios reduce rates of pneumonia, urinary infections, shock, cardiac arrest, gastrointestinal bleeding, and other adverse outcomes. (NEJM, May 30, 2002)