



Hospitals Support Flexible Staffing Model

Long before the National Nurses United union and its predecessors came to Texas and began promoting mandatory RN-to-patient staffing ratios, Texas had established an effective system for setting nurse staffing levels. Both the Texas Hospital Association and Texas Nurses Association believe strongly that Texas' flexible approach is the best way to address nurse staffing in hospitals. In 2009, the two associations worked closely with Sen. Jane Nelson (R-Flower Mound), Rep. Donna Howard (D-Austin) and Rep. Susan King (R-Abilene) to pass **Senate Bill 476**, which put the nurse staffing regulations into statute and further strengthen the voice of staff nurses in the process. The bill also bans mandatory overtime.

- **Good nursing care is essential for a safe, healing hospital experience.** Texas has a long-established effective system for setting nurse staffing levels in hospitals. Involving bedside nurses and focusing on patient care, state law and regulations allow for flexibility at the local level to address patients' ever-changing needs as well as recognize the differences among hospitals and their resources. S.B. 476 strengthened the current regulations and put them into statute, while allowing nurses to use their clinical judgment to develop a staffing plan that is appropriate for *their* patients and *their* work environment.
- **Texas' system is flexible and allows hospitals to focus on patient care, not meeting a one-size-fits-all ratio.** The artificial staffing formulas being promoted by the nursing union are not needed in Texas, and they fail to address the real issue: a growing nursing shortage. Mandated ratios do not produce more nurses, nor do they recognize that staffing needs vary – sometimes from shift-to-shift – as patients and their health conditions change. Texas' regulations reflect the principles of nurse staffing developed by the American Nurses Association and require the involvement of bedside nurses who work with patients every day.
- **Texas nurses are protected under the law.** Contrary to union claims, Texas has strong laws that regulate the practice of nursing and empower nurses to report unsafe patient care environments and activities. In 2007, the Texas Legislature made the existing "whistleblower" protections even stronger, and strengthened peer review mechanisms. Texas employers face financial and administrative penalties for retaliating against a nurse for reporting unsafe practices. Texas hospitals supported the Legislature's initiatives to protect nurses' rights to ensure that patients get the right care at the right time.
- **Mandating nurse-to-patient staffing ratios will not solve the nursing shortage.** An arbitrary, rigid nurse staffing requirement will not bring more nurses back to the bedside. According to the Texas Center for Nursing Workforce Studies, of the 136,000 registered nurses working in Texas in 2003, 125,000 (92 percent) were still working in nursing in 2008. Of the 11,000 not working in nursing in 2008, most

were over age 60 or had young children at home. With the majority of licensed nurses already working in the profession, Texas must graduate more nurses to meet both current and future demands. Currently, Texas is short some 22,000 nurses. Without major increases in funding for nurse education, this gap will widen to 70,000 by 2020 as the state's rapidly growing population ages and requires more acute care, and as older nurses retire or reduce the hours they work.

- **With the help of the Texas Legislature, hospitals and nurses are aggressively tackling the problem through education.** Having more bedside nurses can be achieved *only* by increasing the number of nurses. In 2008, Texas nursing schools turned away some 8,000 qualified applicants due to a lack of faculty. Texas hospitals already contribute to nursing education by loaning staff nurses to serve as faculty members, providing nursing preceptors and offering clinical training opportunities. In 2009, Texas Hospital Association created the Texas Nursing Workforce Shortage Coalition, a broad-based coalition of more than 100 entities. The coalition worked with the Texas Legislature to ensure that \$49.7 million was appropriated for nursing education in 2009. Funding is available to every nursing school in Texas that pledges to increase its number of applicants, and in turn, increase the number of nursing graduates available to work in Texas hospitals.

The bottom line: Supporting nursing professionals in providing quality patient care is essential to retention – a key component of addressing the state's nursing shortage. Texas hospitals support a flexible, thoughtful approach to nurse staffing in hospitals, while addressing the nursing shortage through investments in nursing education.

For more information on this issue, contact:

Elizabeth Sjoberg, RN, J.D.
Associate General Counsel
512/465-1539
esjoberg@tha.org

Jennifer Banda, J.D.
Senior Director, Government Relations
512/465-1046
jbanda@tha.org