

TO: All Legislators

FROM: Senators Chris Larson and Tim Carpenter  
Representatives Francesca Hong and Melissa Ratcliff

DATE: Wednesday, September 6<sup>th</sup>, 2023

RE: LRB 3139 - *The Nurse Staffing and Patient Protection Act*

**Deadline: Friday, September 22, 2023**

Wisconsin is in the midst of a serious nursing shortage, and it's only projected to get worse. Wisconsin Department of Workforce Development Secretary Amy Pechacek said it [could reach 20,000](#) by 2040 as our population continues to age. Increasing the number of nurse educators can help alleviate some of the problem by alleviating a bottleneck in nurse training programs, but more must be done to keep the nurses we already have on the job.

Nationwide, about [100,000 nurses left the field](#) during the COVID-19 pandemic, and a further 800,000 are expected to follow them out the door in the next four years. Among those who pursue alternative careers, why do they do it? The most commonly cited reasons include burnout, lack of strong leadership support, bullying and incivility, and unsafe staffing ratios.

This bill seeks to ensure quality patient care and keep nurses and other healthcare professionals on the job in Wisconsin by taking the following measures:

### Safe staffing levels

1. Establishing statewide, enforceable minimum nurse-to-patient ratios and requiring each hospital to submit a staffing plan to DHS
2. Requiring each hospital to create a nurse staffing committee to create their staffing plan, with at least a simple majority made up of non-supervisory direct-care registered nurses
3. Mandating that hospitals submit to the Department of Health Services (DHS) and publicly post their nurse staffing plan
4. Ensuring hospitals include support staff levels in their facility staffing plans that are informed by the direct care staff themselves

### Fair labor practices

1. Banning mandatory overtime (with very limited exceptions), providing a predictable schedule and improved work-life balance to our nursing workforce
2. Allowing nurses to refuse any work assignment they believe in their own professional judgment would compromise patient safety or their nursing license
3. Limiting the mandated length of any shift to 12 hours in any 24-hour period (employees could choose to work longer if they want)

4. Forbidding any hospital from retaliating against a staff member who exercises any of the rights enumerated in the bill

Why staffing ratios? According to a nationwide survey by the [American Nurses Foundation](#), 89% of nurses felt their facility was short-staffed. 84% of ER Nurses and 96% of ICU nurses reported that staffing ratios in their workplace was double the recommended staff-to-patient ratio of 2:1. In Milwaukee, Ascension Columbia St Mary's Hospital (CSM) came under fire in early 2023 for severely understaffing its units. [Reports indicated](#) that one nursing assistant could routinely be assigned to a floor of 20 to 30 patients. One registered nurse walked out on a shift at CSM where they were assigned to care for 12 critically ill patients (double the hospital's own recommended ratio) without a single nursing assistant on duty. Research published in *The Lancet* found that even a one-patient increase in a nurse's workload increases the likelihood of an in-patient death within 30 days of admission by 7 percent.

Hospitals often push back when governments consider regulations of their industry. However, research from the respected journal *Medical Care* shows that increasing nurse staffing levels can actually be cost-neutral by reducing the number of avoidable adverse events, reducing lengths of stay for patients, and reducing and shortening length of readmissions. In addition, giving nursing professionals more predictability and control of their working conditions and schedules helps prevent burnout, reducing training costs and the increasingly cost-intensive use of travel nurses to fill staffing gaps.

As the Biden Administration considers setting national standards for safe staffing in long-term care facilities, Wisconsin has the opportunity to get ahead of the curve and be among the nation's leaders in supporting nurses and improving patient safety by adopting the *Nurse Staffing and Patient Protection Act* in the 2023-24 legislative session.

To sign on as a co-sponsor of this bill, contact Senator Chris Larson via email at [sen.larson@legis.wisconsin.gov](mailto:sen.larson@legis.wisconsin.gov) or 608-266-7505 by close of business on **Friday, September 22, 2023**.

*Note: Senate sponsors will be automatically added to the Assembly companion unless otherwise requested, and vice-versa.*