

# NURSES SAY YES ON SAFE PATIENT LIMITS

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## The Truth about Question 1 and the January 1 Deadline for Implementation

The implementation date for complying with the patient limits set forth in Question 1 is January 1, 2019. Given that there will be less than two months from the law's passage, what happens to hospitals who can't hire the nurses in time? Will they be fined for not complying by that date?

This is a common question we are fielding from nurses and others about the law. The short answer is: nothing will happen to hospitals on that date. No fines can or would be assigned at that time.

Before any fine is assigned the law first requires the Health Policy Commission (HPC) to draft regulations around compliance and the development of the acuity system and other functional aspects of the law.

And even when the rules are in place, before any fine is imposed for a violation of the law, the specific situation must be investigated by the HPC.

**There is no instance when a fine is automatic under the law.** The law anticipates there will be unique and complex situations that arise that will impact patient care conditions. When any violation is reported, the HPC has the authority to investigate the circumstances leading to the alleged violation and the HPC has complete discretion to:

- issue no fine;
- require the hospital to undertake steps to remedy the underlying causes;
- and finally, if circumstances justify such action, to recommend that the Attorney General further investigate the violation.

At that point, if the Attorney General determines that the hospital violated the law, the Attorney General can then go to court to seek penalties. Also keep in mind that the fines are up to \$25,000 per day, and the court has the latitude to issue a fine anywhere between 0 and \$25,000.

The key point here is that there is a thorough and reasonable process to evaluate each situation, which would allow hospitals that have legitimate reasons for not meeting the limits set by the law, to be given due deference by the HPC. However, if hospitals can be shown not to be making a good faith effort to follow the law, there is a mechanism in place to hold them accountable.

**Any claim that any hospital will be placed in jeopardy on January 1 or at any other time for noncompliance is simply not true.**

