



Queensland

# **Hospital and Health Boards (Safe Nurse-to-Patient and Midwife-to-Patient Ratios) Amendment Bill 2015**





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# Hospital and Health Boards (Safe Nurse-to-Patient and Midwife-to-Patient Ratios) Amendment Bill 2015

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# 2015

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## A Bill

for

**An Act to amend the *Hospital and Health Boards Act 2011* to provide for minimum nurse-to-patient ratios and midwife-to-patient ratios and other workload matters for public sector health services to ensure patient safety and the delivery of high quality health services**

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<b>The Parliament of Queensland enacts—</b>	1		
<b>Clause 1</b>	<b>Short title</b>	2	
	This Act may be cited as the <i>Hospital and Health Boards</i>	3	
	<i>(Safe Nurse-to-Patient and Midwife-to-Patient Ratios)</i>	4	
	<i>Amendment Act 2015.</i>	5	
<b>Clause 2</b>	<b>Commencement</b>	6	
	This Act commences on 1 July 2016.	7	
<b>Clause 3</b>	<b>Act amended</b>	8	
	This Act amends the <i>Hospital and Health Boards Act 2011.</i>	9	
<b>Clause 4</b>	<b>Amendment of s 46 (Delegation by chief executive)</b>	10	
	Section 46(2)—	11	
	<i>insert—</i>	12	
	(d) to make a standard under section 138E.	13	
<b>Clause 5</b>	<b>Insertion of new pt 6, div 4</b>	14	
	Part 6—	15	
	<i>insert—</i>	16	
	<b>Division 4</b>	<b>Minimum nurse-to-patient</b>	17
		<b>ratios, midwife-to-patient</b>	18
		<b>ratios and workload</b>	19
		<b>standards</b>	20
	<b>138A Definitions for division</b>	21	
	In this division—	22	

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*midwife* means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a midwife, other than as a student.

*nurse* means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division or enrolled nurses division of that profession.

*nursing and midwifery regulation* means a regulation under section 138B.

*nursing and midwifery workload management information* includes information about compliance with a nursing and midwifery regulation.

**138B Prescription of minimum nurse-to-patient and midwife-to-patient ratios**

- (1) A regulation may prescribe a requirement about the minimum number of nurses or midwives who must be engaged in delivering a health service according to the number of patients receiving the service.
- (2) The regulation—
  - (a) may apply in relation to the delivery of stated health services—
    - (i) by stated Services; and
    - (ii) at stated facilities or parts of facilities; and
    - (iii) at stated times; and
    - (iv) in stated circumstances; and

[s 5]

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*Example—*

A regulation may require that, in each surgical ward  
in a stated public sector hospital, between 7a.m.  
and 3p.m. each day, there be at least 1 nurse for  
every 4 patients.

- (b) may include a requirement about the skills  
or qualifications of the nurses or midwives.
- (3) For this section, the nurses or midwives taken to  
be engaged in delivering a health service include  
any nurses or midwives who are—
  - (a) physically present at or near the place where  
the health service is being delivered; and
  - (b) available to become immediately involved  
in delivery of the service if needed.

### **138C Temporary exemptions**

- (1) The Minister may, by written notice given to a  
Service and published on the department's  
website, grant a temporary exemption from  
compliance with a nursing and midwifery  
regulation.
- (2) A temporary exemption may—
  - (a) exempt a Service from compliance with all  
or part of a nursing and midwifery  
regulation; or
  - (b) vary the application of a nursing and  
midwifery regulation to a Service so it  
imposes a lesser requirement.
- (3) A temporary exemption may be granted on  
conditions.
- (4) A temporary exemption has effect for the period,  
of not more than 3 months, stated in the  
Minister's notice.



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- (5) The Minister may, under subsection (1), extend a temporary exemption for a further period of not more than 3 months. 1  
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- (6) However, the Minister may not extend a temporary exemption, or grant a further temporary exemption to a Service, if as a result the Service would be the subject of a temporary exemption for a continuous period of more than 6 months. 4  
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**138D Matters for Minister to consider** 10

- (1) This section applies if the Minister proposes to— 11
- (a) recommend to the Governor in Council the making of a nursing and midwifery regulation applying to a Service; or 12  
13  
14
- (b) grant or extend a temporary exemption for a Service under section 138C. 15  
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- (2) The Minister must consider the Service’s capability to comply with the regulation and the likely effects of compliance. 17  
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- (3) The matters that the Minister may consider include— 20  
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- (a) the likely financial costs of compliance; and 22
- (b) any matter (including the nature, size and location of the Service) that may affect the Service’s ability to recruit and retain staff; and 23  
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- (c) the infrastructure that the Service has, or can acquire, to support staff; and 27  
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- (d) the potential effects, on health services delivered by the Service, of actions the Service may reasonably need to take to comply with the regulation. 29  
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<b>138E Standards about nursing and midwifery workload management</b>	1 2
(1) The chief executive may make a standard about nursing and midwifery workload management by Services, including how a Service—	3 4 5
(a) calculates its nursing or midwifery human resource requirements; or	6 7
(b) develops and implements strategies to manage nursing or midwifery resource supply and demand; or	8 9 10
(c) evaluates the performance of its nursing or midwifery staff.	11 12
(2) The standard applies only in relation to the delivery of health services by a Service to the extent the health services are the subject of a nursing and midwifery regulation.	13 14 15 16
(3) The standard may include requirements about reporting nursing and midwifery workload management information to the chief executive.	17 18 19
(4) Subsection (3) does not limit the ways a Service may be required to report nursing and midwifery workload management information to the chief executive.	20 21 22 23
<i>Example—</i>	24
A Service may be required to report particular information under its service agreement with the chief executive.	25 26 27
(5) The Minister must notify the making of the standard.	28 29
(6) The Minister’s notice is subordinate legislation.	30
(7) The standard takes effect on the day the Minister’s notice commences or, if a later day of commencement is stated in the Minister’s notice, on the later day.	31 32 33 34

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- |      |   |                       |
|------|---|-----------------------|
| (8)  | The chief executive must publish the standard on the department's website.  | 1<br>2                |
| (9)  | The standard is binding on a Service to the extent it applies under subsection (2).   | 3<br>4                |
| (10) | However, if it is not possible to comply with both the standard and a regulation in relation to a particular matter because of an inconsistency between them, the regulation prevails to the extent of the inconsistency. | 5<br>6<br>7<br>8<br>9 |

**138F Publication of information about nursing and midwifery workload management** 10  
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|-----|---|----------------------|
| (1) | The chief executive may require a Service to give the chief executive, by a stated reasonable time, stated nursing and midwifery workload management information relating to the Service. | 12<br>13<br>14<br>15 |
| (2) | The Service must comply with the requirement.   | 16                   |
| (3) | The chief executive may publish the information in a way that allows it to be accessed by members of the public, including, for example, on the department's website.                     | 17<br>18<br>19<br>20 |
| (4) | This section applies to a Service whether or not it is the subject of a requirement under section 138B or standard under section 138E.  | 21<br>22<br>23       |

**Clause 6 Amendment of s 279 (Delegation by Minister)** 24

Section 279(2)— 25

*insert—* 26

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|-----|---|----------------|
| (e) | the function to grant a temporary exemption, or extend a temporary exemption, under section 138C. | 27<br>28<br>29 |
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<b>Clause 7</b>	<b>Amendment of sch 2 (Dictionary)</b>	1
	Schedule 2—	2
	<i>insert—</i>	3
	<i>midwife</i> , for part 6, division 4, see section 138A.	4
	<i>nurse</i> , for part 6, division 4, see section 138A.	5
	<i>nursing and midwifery regulation</i> , for part 6, division 4, see section 138A.	6 7
	<i>nursing and midwifery workload management information</i> , for part 6, division 4, see section 138A.	8 9 10

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