

Title 22 of California Code of Regulations is amended as follows:

§ 71211. Psychiatric Nursing Service Definition.

Psychiatric nursing service means the performance of those services directed toward meeting the objectives of an individual planned therapeutic program supervised and coordinated by a registered nurse in conjunction with the treatment plan, nursing care and other health professional care.

§ 71213. Psychiatric Nursing Service General Requirements.

(a) The psychiatric nursing service shall be under the direction of a registered nurse who shall meet at least the following qualifications:

(1) Master's degree in psychiatric nursing or related field with experience in administration; or

(2) Baccalaureate degree in nursing or related field with experience in psychiatric nursing and two years of experience in nursing administration; or

(3) Four years of experience in nursing administration or supervision and with experience in psychiatric nursing.

~~(a)~~ (b) Written policies and procedures shall be developed and maintained by the director of nursing in consultation with other appropriate health professionals and administration. Policies shall be approved by the governing body. Procedures shall be approved by the administration and medical staff where such is appropriate.

~~(b)~~ (c) The responsibility and the accountability of the nursing service to the medical staff and hospital administration shall be defined.

~~(c)~~ (d) There shall be a written organized staff education program which shall include orientation and in-service education and training.

(1) There shall be written objectives, plans for implementation and an evaluation mechanism.

~~(d) There shall be a written patient care plan developed for each patient in coordination with the total mental health team. This plan shall include goals, problems/needs and approach and shall be available to all members of the mental health team.~~

(e) There shall be a written nursing audit procedure and evidence that audit procedures are in effect.

~~(f) There shall be a method for determining staffing requirements based on assessment of patient needs. This assessment shall take into consideration at least the following:~~

- ~~(1) The ability of the patient to care for himself.~~
- ~~(2) His degree of illness.~~
- ~~(3) Requirements for special nursing activities.~~
- ~~(4) Skill level of personnel required in his care.~~
- ~~(5) Placement of the patient in the nursing unit.~~

~~(g) There shall be documentation of the methodology used in making staffing determinations. Such documentation shall be part of the records of the nursing service and be available for review.~~

~~(h) There shall be a written staffing pattern which shall show:~~

- ~~(1) Total numbers of staff including full time and full-time equivalents.~~
- ~~(2) The available nursing care hours for each nursing unit.~~
- ~~(3) The categories of staff available for patient care.~~

~~(i) There shall be a record retained for six months of the written staffing pattern available for review by the Department at any given time.~~

#### § 71213.1 Planning and Implementing Psychiatric Patient Care.

(a) A psychiatric registered nurse shall directly provide:

(1) Ongoing patient assessments as defined in the Business and Professions Code, section 2725(b)(4). Such assessments shall be performed, and the findings documented in the patient's medical record, for each shift, and upon receipt of the patient when he/she is transferred to another patient care area.

(2) The planning, supervision, implementation, and evaluation of the psychiatric nursing care provided to each patient. The implementation of nursing care may be delegated by the registered nurse responsible for the patient to other licensed nursing staff, or may be assigned to unlicensed mental health staff, subject to any limitations of their licensure, certification, level of validated competency, and/or regulation.

(3) The assessment, planning, implementation, and evaluation of patient education, including ongoing discharge teaching of each patient. Any assignment of specific patient education tasks to patient care personnel shall be made by the registered nurse responsible for the patient.

(b) The planning and delivery of patient care shall reflect all elements of the nursing process: assessment, nursing diagnosis, planning, intervention, evaluation and, as circumstances require, patient advocacy, and shall be initiated by a registered nurse at the time of admission.

(c) The psychiatric nursing plan for the patient's care shall be discussed with and developed as a result of coordination with the patient, the patient's family, or other representatives, when appropriate, and staff of other psychiatric and mental health disciplines involved in the care of the patient.

(d) Information related to the patient's initial psychiatric nursing assessment and reassessments, nursing diagnosis, plan, intervention, evaluation, and patient advocacy shall be permanently recorded in the patient's medical record.

~~§ 71215. Psychiatric Nursing Service Staff.~~

~~(a) The psychiatric nursing service shall be under the direction of a registered nurse who shall meet at least the following qualifications:~~

~~(1) Master's degree in psychiatric nursing or related field with experience in administration; or~~

~~(2) Baccalaureate degree in nursing or related field with experience in psychiatric nursing and two years of experience in nursing administration; or~~

~~(3) Four years of experience in nursing administration or supervision and with experience in psychiatric nursing.~~

~~(b) The director of nurses shall not be designated to serve as charge nurse.~~

~~(c) Sufficient registered nursing personnel shall be provided to:~~

~~(1) Assist the director of nurses for evening and night services and when necessary for day services.~~

~~(2) Give direct nursing care based on patient need.~~

~~(3) Have a registered nurse on duty at all times.~~

~~(4) Plan, supervise and coordinate care given by licensed vocational nurses, psychiatric technicians and other mental health workers.~~

~~(d) Each nursing unit shall have a registered nurse, licensed vocational nurse or psychiatric technician on duty at all times.~~

~~(e) Licensed vocational nurses and psychiatric technicians may be utilized as needed to assist registered nurses in ratios appropriate to patient needs.~~

~~(f) Mental health workers may be utilized as needed to assist with nursing procedures.~~

#### § 70215 Psychiatric Nursing Service Staff.

(a) Hospitals shall provide staffing by registered nurses, licensed vocational nurses, and psychiatric technicians within the scope of their licensure in accordance with the following nurse-to-patient ratios. Staffing for care not requiring a registered nurse, licensed vocational nurse or a psychiatric technician is not included within these ratios and shall be determined pursuant to the patient classification system.

No hospital shall assign a licensed nurse or psychiatric technician to a nursing unit or clinical area unless that hospital determines that the licensed nurse or psychiatric technician has demonstrated current competence in providing care in that area and has also received orientation to that hospital's clinical area sufficient to provide competent care to patients in that area. The policies and procedures of the hospital shall contain the hospital's criteria for making this determination.

Licensed nurse-to-patient ratios represent the maximum number of patients that shall be assigned to a registered nurse, licensed vocational nurse or psychiatric technician at any one time. "Assigned" means having responsibility for the provision of care to a particular patient within his/her scope of practice. There shall be no averaging of the number of patients and the total number of licensed nurses and psychiatric technicians on the unit during any one shift nor over any period of time. Only licensed nurses and psychiatric technicians providing direct patient care shall be included in the ratios.

Nurse Administrators, Nurse Supervisors, Nurse Managers, and Charge Nurses, and other licensed nurses shall be included in the calculation of the licensed nurse-to-patient ratio only when those licensed nurses are engaged in providing direct patient care. When a Nurse Administrator, Nurse Supervisor, Nurse Manager, Charge Nurse or other registered nurse, licensed vocational nurse or psychiatric technician is engaged in activities other than direct patient care, that person shall not be included in the ratio. Nurse Administrators, Nurse Supervisors, Nurse Managers, and Charge Registered Nurses who have demonstrated current competence to the hospital in providing care on a particular unit may relieve licensed nurses during breaks, meals, and other routine, expected absences from the unit.

Nothing in this section shall prohibit a licensed nurse or a psychiatric technician from assisting with specific tasks within the scope of his or her practice for a patient assigned to another nurse. “Assist” means that licensed nurses may provide patient care beyond their patient assignments if the tasks performed are specific and time-limited.

(1) The registered nurse-to-patient ratio in an adult acute psychiatric unit shall be 1:6 or fewer at all times. Additional registered nurses, licensed vocational nurses, psychiatric technicians and unlicensed mental health staff shall be assigned to provide additional psychiatric staffing for psychiatric patients determined to be a harm to themselves or others or based upon the patient classification system.

(2) The registered nurse-to-patient ratio in a pediatric acute psychiatric unit shall be 1:4 or fewer at all times. Additional registered nurses, licensed vocational nurses, psychiatric technicians and unlicensed mental health staff shall be assigned to provide additional psychiatric staffing for psychiatric patients determined to be a harm to themselves or others or based upon the patient classification system.

(3) The registered nurse-to-patient ratio in an adolescent acute psychiatric unit shall be 1: 4 or fewer at all times. Additional registered nurses, licensed vocational nurses, psychiatric technicians and unlicensed mental health staff shall be assigned to provide additional psychiatric staffing for psychiatric patients determined to be a harm to themselves or others or based upon the patient classification system.

(4) The registered nurse-to-patient ratio in a geriatric acute psychiatric unit shall be 1:6 or fewer at all times. Additional registered nurses, licensed vocational nurses, psychiatric technicians and unlicensed mental health staff shall be assigned to provide additional psychiatric staffing for psychiatric patients determined to be a harm to themselves or others or based upon the patient classification system.

(5) The registered nurse-to-patient ratio in a psychiatric critical care unit shall be 1:2 or fewer at all times. "Critical care unit" means a nursing unit or isolation unit of an acute psychiatric hospital including but not limited to a supplemental service psychiatric intensive care service as described in Section 71403(a)(3).

(6) The registered nurse-to-patient ratio in a post anesthesia recovery unit of the supplemental service anesthesia service, as described in Section 71403(a)(1), shall be 1:2 or fewer at all times, regardless of the type of anesthesia the patient received.

(7) In a psychiatric emergency triage/admission (ETA) unit, only psychiatrists, physicians, registered nurses, licensed clinical social workers, and psychologists shall be assigned to triage patients. Only registered nurses shall be assigned to provide direct psychiatric nursing patient care in the ETA unit. In an acute psychiatric hospital providing psychiatric ETA the registered nurse-to-patient ratio in shall be 1:4 or fewer at all times that patients are receiving treatment or being evaluated for admission to an inpatient unit. There shall be no fewer than two psychiatric registered nurses physically present in the psychiatric emergency unit when a patient is present.

The registered nurse assigned to triage patients shall be immediately available at all times to triage patients when they arrive for ETA. When there are no patients needing ETA, the registered nurse may assist by performing other psychiatric nursing tasks. The psychiatric registered nurse assigned to ETA psychiatric patients shall not be counted in the psychiatric registered nurse-to-patient ratio.

When registered nursing staff are attending psychiatric critical care patients in the ETA, the registered nurse-to-patient ratio shall be 1:2 or fewer psychiatric critical care patients at all times. A patient in the ETA unit shall be considered a critical care patient when the patient meets the criteria for admission to a critical care or isolation service area within the hospital.

(8) The licensed nurse-to-patient ratio in a supplemental service skilled nursing service psychiatric unit, as described in Section 71403 (a)(7) shall be 1:5 or fewer at all times. For purposes of supplemental service psychiatric skilled nursing service units “licensed nurses” includes psychiatric technicians in addition to licensed vocational nurses and registered nurses. Licensed vocational nurses, psychiatric technicians, or a combination of both, shall not exceed 50 percent of the licensed vocational nurses or psychiatric technicians on the skilled nursing service unit. Additional staff will be provided based upon a patient classification system.

(9) The licensed nurse-to-patient ratio in a supplemental service intermediate care unit service, pursuant to Section 71403(a)(4) shall be 1:6 or fewer at all times. For purposes of supplemental service psychiatric skilled nursing service units “licensed nurses” includes psychiatric technicians in addition to licensed vocational nurses and registered nurses. Licensed vocational nurses, psychiatric technicians, or a combination of both, shall not exceed seventy-five percent of the licensed nurse staff on the intermediate care nursing service unit. Additional staff will be provided based upon the patient classification system.

(10) In a supplemental service outpatient clinic pursuant to Section 71403 (a)(5) of an acute psychiatric hospital, a direct care psychiatric registered nurse shall be present and available at all times to provide psychiatric nursing services. Additional staff will be provided based upon a patient classification system.

(11) Identifying a unit by a name or term other than those used in this subsection does not affect the requirement to staff at the ratios identified for the level or type of care described in this subsection.

(b) In addition to the requirements of subsection (a), the hospital shall implement a patient classification system for determining psychiatric nursing care needs of individual psychiatric patients that reflects the assessment, made by a psychiatric registered nurse as specified at subsection 70213.1 (a)(1), of patient requirements and provides for shift-by-shift staffing based on those requirements. The ratios specified in subsection (a) shall constitute the minimum number of psychiatric registered nurses, psychiatric licensed vocational nurses, and psychiatric technicians, who shall be assigned to direct patient care. Additional staff in excess of these prescribed ratios,

including non-licensed mental health staff, shall be assigned in accordance with the hospital's documented patient classification system for determining nursing care requirements, considering factors that include the severity of the psychiatric illness, the potential for self-harm or harm to staff, equipment and technology, the complexity of clinical judgment needed to design, implement, and evaluate the psychiatric patient care plan, the ability for self-care, and the licensure of the personnel required for care. The system developed by the hospital shall include, but not be limited to, the following elements:

(1) Individual psychiatric patient care requirements for inpatients and outpatients.

(2) The psychiatric patient care delivery system.

(3) Generally accepted standards of psychiatric nursing practice, as well as elements reflective of the unique nature of the hospital's patient population.

(c) A written staffing plan shall be developed by the administrator of nursing service or a designee, based on patient care needs determined by the psychiatric patient classification system. The staffing plan shall be developed and implemented for each psychiatric patient care unit and shall specify psychiatric patient care requirements and the staffing levels for psychiatric registered nurses and other licensed and unlicensed personnel. In no case shall the staffing level for licensed nurses or psychiatric technicians fall below the requirements of subsection (a). The plan shall include the following:

(1) Staffing requirements as determined by the patient classification system for each unit, documented on a day-to-day, shift-by-shift basis.

(2) The actual staff and staff mix provided, documented on a day-to-day, shift-by-shift basis.

(3) The variance between required and actual staffing patterns, documented on a day-to-day, shift-by-shift basis.

(d) In addition to the documentation required in subsections (c)(1) through (3) above, the hospital shall keep a record of the actual psychiatric registered nurse, psychiatric licensed vocational nurse and psychiatric technician assignments to individual patients by licensure category, documented on a day-to-day, shift-by-shift basis. The hospital shall retain all of the following:



(1) The staffing plan required in subsections (c)(1) through (3) for the time period between licensing surveys, which includes the Consolidated Accreditation and Licensing Survey process.

(2) The record of the actual psychiatric registered nurse, psychiatric licensed vocational nurse and psychiatric technician assignments by licensure category for a minimum of one year.

(e) The reliability of the patient classification system for validating staffing requirements shall be reviewed at least annually by a committee appointed by the nursing administrator to determine whether or not the system accurately measures patient care needs.

(f) At least half of the members of the review committee shall be psychiatric registered nurses who provide direct patient care.

(g) If the review reveals that adjustments are necessary in the psychiatric patient classification system in order to assure accuracy in measuring psychiatric patient care needs, such adjustments must be implemented within thirty (30) days of that determination.

(h) Hospitals shall develop and document a process by which all interested staff may provide input about the psychiatric patient classification system, the system's required revisions, and the overall staffing plan.

(i) The administrator of psychiatric nursing services shall not be designated to serve as a charge nurse or to have direct patient care responsibility, except as described in subsection (a) above.

(j) Psychiatric registered nursing personnel shall:

(1) Assist the administrator of nursing service so that supervision of psychiatric nursing care occurs on a 24-hour basis.

(2) Provide direct patient care.

(3) Provide clinical supervision and coordination of the care given by licensed vocational nurses, psychiatric technicians and unlicensed mental health nursing personnel.

(k) Each patient care unit shall have a psychiatric registered nurse assigned, present and responsible for the patient care in the unit on each shift at all times.

(l) Unlicensed mental health personnel may be utilized as needed to assist with simple psychiatric nursing procedures, subject to the requirements of competency validation. Hospital policies and procedures shall describe the responsibility of unlicensed mental health personnel and limit their duties to tasks that do not require licensure as a registered nurse, a licensed vocational nurse, or a psychiatric technician.

(m) Psychiatric Nursing personnel from temporary nursing agencies shall not be responsible for a patient care unit without having demonstrated clinical and supervisory competence as defined by the hospital's standards of staff performance for psychiatric registered charge nurses.

(n) Hospitals which utilize temporary nursing agencies shall have and adhere to a written procedure to orient and evaluate personnel from these sources. Such procedures shall require that personnel from temporary nursing agencies be evaluated as often, or more often, than staff employed directly by the hospital.

(o) All registered nurses, licensed vocational nurses and psychiatric technicians utilized in the hospital shall have current licenses. A method to document current licensure shall be established.

(p) The acute psychiatric hospital shall plan for routine fluctuations in patient census. If a healthcare emergency causes a change in the number of patients on a unit, the hospital must demonstrate that prompt efforts were made to maintain required staffing levels. A psychiatric healthcare emergency is defined for this purpose as an unpredictable or unavoidable occurrence at unscheduled or unpredictable intervals relating to healthcare delivery requiring immediate psychiatric medical interventions and care.

#### § 71217. Psychiatric Nursing Service Equipment and Supplies.

There shall be adequate and appropriate equipment and supplies related to the scope and nature of the needs anticipated and the services offered.

#### § 71219. Psychiatric Nursing Service Space.

Office space shall be provided for the director of nurses.