



Sen. Don Harmon

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LRB093 05459 DRJ 50226 a

1 AMENDMENT TO HOUSE BILL 1083

2 AMENDMENT NO. _____. Amend House Bill 1083 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Responsible Hospital Staffing Act.

6 Section 5. Findings. The Legislature finds and declares all
7 of the following:

8 (1) Adequate staffing in hospitals contributes to high
9 quality patient care and the prevention of medical errors.

10 (2) To ensure the adequate protection of patients in
11 acute care settings, it is essential that qualified
12 registered nurses be accessible and available to meet the
13 needs of patients.

14 (3) The basic principles of staffing in the acute care
15 setting should be based on the patient's care needs, the
16 severity of the condition, services needed, and the
17 complexities surrounding those services, as well as the
18 experience level, clinical competencies, and education of
19 the licensed nurses providing patient care services.

20 Section 10. Definitions. As used in this Act:

21 "Critical care unit" means a unit that is established to
22 safeguard and protect patients whose medical conditions are
23 severe enough to require continuous monitoring and complex

1 interventions by registered nurses.

2 "Department" means the Department of Public Health.

3 "Director" means the Director of Public Health.

4 "Employee" means any individual permitted to work by an
5 employer in an occupation, including both individuals hired
6 directly by the company and those hired pursuant to a contract
7 with an outside entity, such as a staffing agency.

8 "Employer" means any person or entity licensed under the
9 Hospital Licensing Act, or the parent or holding company of any
10 such person or entity, who directly or indirectly, or through
11 an agent or any other person, employs or exercises control over
12 the wages, hours, or working conditions of any person.

13 "Health system" means a company (i) that is non-profit or
14 for-profit, religious or non-religious, and (ii) that owns,
15 operates, or controls more than 2 hospitals.

16 "Hospital" means an entity licensed under the Hospital
17 Licensing Act.

18 "Hospital unit" means a critical care unit, burn unit,
19 labor and delivery room, postanesthesia service area,
20 emergency department, operating room, pediatric unit,
21 step-down or intermediate care unit, specialty care unit,
22 telemetry unit, general medical care unit, sub-acute care unit,
23 or transitional inpatient care unit.

24 "Nurse" or "registered nurse" means a person licensed as a
25 registered professional nurse or licensed practical nurse
26 under the Nursing and Advanced Practice Nursing Act.

27 "Violation" means a finding by a court, governmental
28 commission, or neutral arbiter that wage-and-hour laws or
29 regulations were violated.

30 "Wage-and-hour laws or regulations" means any State or
31 federal law that regulates the hours worked by and wages paid
32 to registered nurses.

33 "Organizational plan of nursing services" means a written
34 plan of direct care nursing personnel staffing requirements

1 that are appropriate to ensure that all patients receive health
2 care under normal and emergent circumstances.

3 Section 15. Registered nurse staff planning. Each hospital
4 shall develop and implement an organizational plan of nursing
5 services. It shall be an integral part of the overall hospital
6 organizational plan and shall be available to all nursing
7 personnel. Each hospital shall have a process that ensures the
8 consideration of input from direct care clinical staff in the
9 development, implementation, monitoring, evaluation, and
10 modification of the organizational plan of nursing services. At
11 least one-third the members of the committee charged with
12 developing, monitoring, evaluating, and modifying the plan
13 shall be nurses who provide direct patient care. The
14 organizational plan of nursing services shall include:

15 (1) Competency validation for registered nurses based
16 on the statutorily recognized duties and responsibilities
17 of the registered nurse and the standards that are specific
18 to each patient care unit.

19 (2) A patient classification system that establishes
20 staffing requirements by unit, patient, and shift;
21 determines staff resource allocation based on nursing care
22 requirements for each shift and each unit; establishes a
23 method by which the hospital validates the reliability of
24 the patient classification system; and incorporates a
25 method by which the hospital improves patient outcomes
26 based on clinical data.

27 (3) Written nursing service policies and procedures
28 based on current standards of nursing practice and
29 consistent with the nursing process, which includes
30 assessment, nursing diagnosis, planning, intervention,
31 evaluation, and patient advocacy.

32 The hospital administration and the governing body shall
33 review and approve all policies and procedures that relate to

1 nursing service at least once every 3 years. The organizational
2 plan of nursing services may include a schedule for meal
3 periods and rest periods different from those required by
4 Section 20 of this Act, provided that the schedule has been
5 approved by (and cannot be altered, suspended, or terminated
6 without the consent of) the committee charged with developing,
7 monitoring, evaluating, and modifying the organizational plan.

8 The Department of Public Health may establish by rule
9 additional criteria for organizational plans of nursing
10 services.

11 Section 20. Rest periods. Every hospital shall permit each
12 employee to take a 30-minute meal period and 2 10-minute rest
13 periods during the first 7.5 hours of work, and an additional
14 15 minutes of meal or break period time for each additional 2
15 hours worked beyond the first 7.5 hours of work. If
16 circumstances require an employee to work during or through a
17 meal period or break period for which the employee would have
18 received no compensation, then the employer shall pay the
19 employee for the time worked without compensation at 1.5 times
20 the employee's regular rate of compensation.

21 This Section 20 does not apply to employees for whom meal
22 and break periods are established through a collective
23 bargaining plan or pursuant to an organizational plan of
24 nursing services schedule prepared in accordance with Section
25 15 of this Act. This Section does not apply to employees who
26 monitor patients with developmental disabilities or mental
27 illness, or both, and who, in the course of those duties, are
28 required to be on-call during the entire work period; provided,
29 however, that such employees shall be permitted to eat a meal
30 or meals during the work period while continuing to monitor
31 those patients.

32 Section 25. Violation of Act; license. The Director, after

1 notice and opportunity for hearing, may deny, suspend, revoke,
2 or place conditional provisions upon a license of a hospital in
3 any case in which the Director finds that there has been a
4 substantial failure to comply with the provisions of this Act.

5 Section 30. Wage-and-hour provisions for registered
6 nurses.

7 (a) An employer that is a health system as defined in this
8 Act and commits more than 500 violations of wage-and-hour laws
9 or regulations for registered nurses within a 3-year period
10 shall be subject to a civil monetary penalty of up to 5% of the
11 employer's gross hospital patient revenues.

12 (b) The Attorney General shall determine whether 500
13 violations were committed and shall set the penalty based on
14 the severity of the violations.

15 (c) The Department may impose a civil penalty under this
16 Section only after it provides the following to the employer:

17 (1) Written notice of the alleged violation.

18 (2) Written notice of the employer's right to request
19 an administrative hearing on the question of the alleged
20 violation.

21 (3) An opportunity to present evidence, orally or in
22 writing or both, on the question of the alleged violation
23 before an impartial hearing examiner appointed by the
24 Director.

25 (4) A written decision from the Director, based on the
26 evidence introduced at the hearing and the hearing
27 examiner's recommendations, finding that the employer
28 violated this Act and imposing the civil penalty.

29 (d) The Attorney General may bring an action in the circuit
30 court to enforce the collection of a monetary penalty imposed
31 under this Section.

32 (e) The moneys collected under this Section shall be
33 allocated to the Department for nursing scholarships awarded

1 pursuant to the Nursing Education Scholarship Law in addition
2 to any other funds set aside and appropriated for that purpose.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".