

1 AMENDMENT TO SENATE BILL 1787

2 AMENDMENT NO. _____. Amend Senate Bill 1787 by replacing
3 the title with the following:

4 "AN ACT concerning health care."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 1. Short title. This Act may be cited as the
8 Nursing and Hospital Worker Protection Act.

9 Section 5. Findings. The Legislature finds and declares
10 all of the following:

11 (1) Health care services are becoming complex and it
12 is increasingly difficult for patients to access
13 integrated services.

14 (2) Quality of patient care is jeopardized because
15 of staffing changes implemented in response to managed
16 care.

17 (3) To ensure the adequate protection of patients in
18 acute care settings, it is essential that qualified
19 registered nurses be accessible and available to meet the
20 needs of patients.

21 (4) The basic principles of staffing in the acute

1 care setting should be based on the patient's care needs,
2 the severity of condition, services needed, and the
3 complexity surrounding those services.

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

5 "Critical care unit" means a unit that is established to
6 safeguard and protect patients whose medical conditions are
7 severe enough to require continuous monitoring and complex
8 intervention by registered nurses.

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

13 "Employer" means any person or entity licensed under the
14 Hospital Licensing Act, or the parent or holding company of
15 such person or entity, who directly or indirectly, or through
16 an agent or any other person, employs or exercises control
17 over the wages, hours, or working conditions of any person.

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

21 "Hospital" means an entity licensed under the Hospital
22 Licensing Act.

23 "Hospital unit" means a critical care unit, burn unit,
24 labor and delivery room, postanesthesia service area,
25 emergency department, operating room, pediatric unit,
26 step-down or intermediate care unit, specialty care unit,
27 telemetry unit, general medical care unit, subacute care
28 unit, and transitional inpatient care unit.

29 "Nurse" or "registered nurse" means a person licensed as
30 a registered nurse or registered professional nurse under the
31 Nursing and Advanced Practice Nursing Act.

32 "Violation" means a finding by a court, governmental
33 commission, or neutral arbiter that wage and hour laws or

1 regulations were violated.

2 "Wage and hour laws or regulations" means any State or
3 federal law that regulates the hours and wages paid or worked
4 by registered nurses.

5 Section 15. Registered nurse staff planning. Each
6 hospital shall be responsible for the development and
7 implementation of a written hospital-wide staffing plan for
8 nursing services. A hospital shall have a process that
9 ensures the consideration of input from direct care clinical
10 staff in the development, implementation, monitoring,
11 evaluation, and modification of the staffing plan. At least 6
12 of the members of the committee charged with developing,
13 implementing, monitoring, evaluating, and modifying the
14 staffing plan shall be nurses and at least half of the nurse
15 members shall be registered nurses who provide direct patient
16 care. The staffing plan shall include:

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

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

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

1 administration and the governing body shall review and
2 approve all policies and procedures that relate to
3 nursing service at least once every 3 years.

4 (4) Provisions for a complete orientation to the
5 hospital and assigned patient care unit before receiving
6 patient care assignments, and a written, organized
7 in-service education program for all patient care
8 personnel, including temporary staff.

9 The Department of Public Health may establish by rule
10 additional criteria for staffing plans.

11 Section 20. Rest periods. A hospital employee must
12 receive a 30-minute meal period and 2 15-minute rest periods
13 for every 5 hours of work. Pursuant to mutual consent by the
14 employer and the employee, an employee may (i) waive a
15 30-minute meal period if the day's work will be completed in
16 no more than 6 hours or (ii) may waive the second of 2
17 30-minute meal periods when the day's work will be completed
18 in no more than 12 hours and the first 30-minute meal period
19 was not waived.

20 When an employer fails to provide a meal or rest period
21 in accordance with the applicable provisions of this Act, the
22 employer shall pay the employee one additional hour of pay at
23 the employee's regular rate of compensation for each workday
24 that the meal or rest period is not provided.

25 Section 25. Penalties. The Department of Public Health
26 may impose civil penalties or suspend, revoke, or place
27 conditional provisions upon a license of a hospital for a
28 violation of any provision of this Act. The Department shall
29 adopt by rule a schedule establishing the amount of civil
30 penalty that may be imposed for any violation of Sections 15
31 through 25 of this Act when there is a reasonable belief that
32 safe patient care has been or may be negatively impacted.

1 Each violation of a staffing plan shall be considered a
2 separate violation.

3 Section 30. Wage and hour provisions for registered
4 nurses.

5 (a) Any employer that is a health system as defined in
6 this Act and commits more than 500 violations of wage and
7 hour laws or regulations for registered nurses within a
8 3-year period shall be fined up to 5% of gross hospital
9 patient revenues.

10 (b) The fine moneys shall be allocated to the Department
11 of Public Health for nursing scholarships awarded pursuant to
12 the Nursing Education Scholarship Law in addition to any
13 other funds set aside and appropriated for that purpose.

14 (c) The Attorney General shall determine if 500
15 violations were committed and set the penalty based on the
16 severity of the violations.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."