



Sen. Don Harmon

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LRB093 21196 AMC 48453 a

1 AMENDMENT TO SENATE BILL 3108

2 AMENDMENT NO. _____. Amend Senate Bill 3108 by replacing the
3 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 all
10 of the following:

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

14 (2) Quality of patient care could be impacted by
15 staffing changes implemented in response to managed care.

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

20 (4) The basic principles of staffing in the acute care
21 setting should be based on the patient's care needs, the
22 severity of condition, services needed, and the complexity
23 surrounding those services, as well as the experience

1 level, clinical competencies, and education of the
2 licensed nurses providing patient care services.

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

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

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

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

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

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

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

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

31 "Organizational plan of nursing services" means a written
32 plan of direct care nursing personnel staffing requirements
33 that are appropriate to ensure all patients receive health care

1 under normal and emergent circumstances.

2 "Violation" means a finding by a court, governmental
3 commission, or neutral arbiter that wage and hour laws or
4 regulations were violated.

5 "Wage and hour laws or regulations" means any State or
6 federal law that regulates the hours and wages paid or worked
7 by registered nurses.

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

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

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

32 (3) Written nursing service policies and procedures
33 based on current standards of nursing practice and

1 consistent with the nursing process, which includes:
2 assessment, nursing diagnosis, planning, intervention,
3 evaluation, and patient advocacy. The hospital
4 administration and the governing body shall review and
5 approve all policies and procedures that relate to nursing
6 service at least once every 3 years.

7 The organizational plan may include a schedule for meal
8 periods and rest periods different from those required by
9 Section 20 of this Act, provided that such schedule has been
10 approved by (and cannot be altered, suspended, or terminated
11 without the consent of) the committee charged with developing,
12 monitoring, evaluating, and modifying the organizational plan.
13 The Department of Public Health may establish by rule
14 additional criteria for organizational plans.

15 Section 20. Rest periods. Every hospital shall permit each
16 employee to take a 30-minute meal period and 2 10-minute rest
17 periods during the first 7 1/2 hours of work, and an additional
18 15 minutes of meal or break period time for each additional 2
19 hours worked beyond the first 7 1/2 hours of work. If
20 circumstances require an employee to work during or through a
21 meal period or break period for which the employee would have
22 received no compensation, then the employer shall pay the
23 employee for the time worked without compensation at one and
24 one-half times the employee's regular rate of compensation.
25 This Section 20 does not apply to employees for whom meal and
26 break periods are established through a collective bargaining
27 plan or pursuant to an organizational plan schedule prepared in
28 accordance with Section 15 of this Act. This Section does not
29 apply to employees who monitor patients with developmental
30 disabilities or mental illness, or both, and who, in the course
31 of those duties, are required to be on-call during the entire
32 work period; provided, however, that such employees shall be
33 permitted to eat a meal or meals during the work period while

1 continuing to monitor those patients.

2 Section 25. Violation of Act. The Director of Public
3 Health, after notice and opportunity for hearing, may deny,
4 suspend, revoke, or place conditional provisions upon a license
5 of a hospital in any case in which the Director finds that
6 there has been a substantial failure to comply with the
7 provisions of this Act.

8 Section 30. Wage and hour provisions for registered nurses.

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

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

17 (c) The Attorney General shall determine if 500 violations
18 were committed and set the penalty based on the severity of the
19 violations.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."