

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  
12 it is increasingly difficult for patients to access  
13 integrated 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  
17 in 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  
21 care setting should be based on the patient's care needs,

1 the severity of condition, services needed, and the  
2 complexity surrounding those 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  
11 contract 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  
16 over 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  
27 unit, and transitional inpatient care unit.

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

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

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

4 Section 15. Registered nurse staff planning. Each  
5 hospital shall develop and implement a written organizational  
6 plan of nursing services. It shall be an integral part of the  
7 overall hospital organizational plan and shall be available  
8 to all nursing personnel. Each hospital shall have a process  
9 that ensures the consideration of input from direct care  
10 clinical staff in the development, implementation,  
11 monitoring, evaluation and modification of the plan of  
12 nursing services. At least half the members of the committee  
13 charged with developing, monitoring, evaluating and modifying  
14 the plan shall be nurses and at least half of the nurse  
15 members shall be registered nurses who provide direct patient  
16 care. The organizational 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  
22 establishes staffing requirements by unit, patient, and  
23 shift; determines staff resource allocation based on  
24 nursing 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 The organizational plan may include a schedule for meal  
5 periods and rest periods different from those required by  
6 Section 20 of this Act, provided that such schedule has been  
7 approved by (and cannot be altered, suspended, or terminated  
8 without the consent of) the committee charged with  
9 developing, monitoring, evaluating, and modifying the  
10 organizational plan. The Department of Public Health may  
11 establish by rule additional criteria for organizational  
12 plans.

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

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

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

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

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

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

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