

ALASKA STATE LEGISLATURE

Interim:
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Session:
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Juneau, AK 99801-1182
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REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

Sectional Analysis

CS for House Bill No. 50 (HSS)

“An act relating to limitations on mandatory overtime for registered nurses and licensed practical nurses in health care facilities; and providing for an effective date.”

Section 1. Describes legislative findings and intent for the Act. The purpose of this Act is to ensure public safety and assist with the retention of nurses at health care facilities by minimizing long working hours for nurses without adequate rest.

Section 2. This section addresses the major elements of the proposed legislation.

- Sec. 18.20.400(a) prohibits a health care facility from forcing a nurse to work beyond certain prescribed periods of time, or to accept an assignment of overtime if, in the judgment of the nurse, the overtime would jeopardize patient safety or employee safety.
- Sec. 18.20.400(b) requires nurses to receive not less than 10 consecutive hours of rest after working a predetermined and regularly scheduled shift.
- Sec. 18.20.400(c) lists 8 exceptions to the requirements of (a) & (b), including for school nurses, medical evacuation flights, completion of medical procedures or surgeries, unforeseen emergencies that could jeopardize patient safety including unforeseen weather conditions, certain on-call situations, or the first 2 hours of overtime to allow facilities to bring in a replacement nurse. Voluntary overtime is permitted so long as it does not exceed more than 14 consecutive hours.
- Sec. 18.20.410 provides a mechanism for declaring a “temporary nurse staffing emergency” for rural communities. Under this provision, facilities may declare a “temporary nurse staffing emergency” of up to 30 days after making all reasonable efforts to avoid this circumstance. Rural communities are defined in the definitions section as a village or city with a population of less than 10,000 that is in the unorganized borough or an organized borough with a population of less than 25,000. There is no limit on the number of such emergencies that can be declared.

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- Sec 18.20.420 requires a health care facility to provide an anonymous process for complaints by a patient or a nurse about staffing levels or patient safety related to overtime work by nurses.
- Sec. 18.20.430 lays out a process for formal complaints by individuals against a health care facility that violates the provision of this Act, a mechanism to adjudicate these complaints involving the Department of Labor and Workforce Development, and a graduated schedule of penalties if it is determined that a violation has occurred.
- Sec. 18.20.440 provides an explicit prohibition against retaliation by a health care facility against a nurse who attempts to exercise their rights under the Act, or for the good faith reporting of an alleged violation.
- Sec. 18.20.450 provides a process for the state to investigate and address a violation of the protection against retaliation provision in Sec. 18.20.440.
- Sec. 18.20.460 establishes a semiannual reporting requirement for a health care facility to provide certain data relating to overtime and on-call activity for nurses.
- Sec 18.20.470 exempts any health care facility that is operated by the federal government or a tribal organization from the requirements under this Act.
- Sec. 18.20.480 requires facilities to post signs that describe the statutes created by this bill. The content for the signs will be developed by the Department of Labor and must be displayed in a conspicuous work area in all facilities.
- Sec. 18.20.499 provides a number of definitions related to the Act.

Section 3. Sets the reporting period for this first report required under sec. 2 of this Act. The report for the last six months of 2009 will be due on February 1, 2010.

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Section 4. Sets July 1, 2009 as the effective date for the provisions dealing with the reporting requirements under AS 18.20.460.

Section 5. Sets an effective date of January 1, 2010 for all other provisions of the Act.