

Legislative Analysis



MANDATORY OVERTIME FOR NURSES

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House Bill 4216

Sponsor: Rep. Lisa Wojno

Committee: Health Policy

Complete to 4-11-05

A SUMMARY OF HOUSE BILL 4216 AS INTRODUCED 2-8-05

The bill would add a new section to the Public Health Code (MCL 333.21541) to prohibit, subject to a collective bargaining agreement, a hospital from requiring a registered professional nurse or licensed practical nurse to work more than 40 hours in any seven-day work period or more than his or her scheduled shift in any day except in the event of an emergency. A nurse could voluntarily work more than 40 hours in any seven-day work period or more than his or her scheduled shift in any day. Also, a hospital could offer overtime to a nurse or permit a nurse to work overtime if he or she chose to do so.

A hospital would be in violation of the bill's prohibition if it did either of the following:

- Terminated or proposed to terminate the employment of a nurse solely because he or she chose not to work overtime.
- Took or proposed to take disciplinary or retaliatory action against a nurse solely because he or she chose not to work overtime.

In addition to other administrative sanctions allowed under the code, a hospital that violated the bill's provisions would be subject to an administrative fine of not more than \$10,000 for each violation. All fines collected under the bill would be credited to the Nurse Professional Fund established under Section 16315 of the code.

"Emergency" would be defined as an unusual or unpredictable circumstance that increased the need for patient care. It would include, but not be limited to, an act of terrorism, a disease outbreak, adverse weather conditions, or a natural disaster.

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