

HOUSE BILL No. 4216

February 8, 2005, Introduced by Reps. Wojno, Byrnes, Gleason, Hopgood, Farrah, Gonzales, Plakas, Leland and Accavitti and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 21541.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 21541. (1) SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT,
2 A HOSPITAL SHALL NOT REQUIRE A NURSE TO WORK MORE THAN 40 HOURS IN
3 ANY 7-DAY WORK PERIOD OR MORE THAN HIS OR HER SCHEDULED SHIFT IN
4 ANY DAY EXCEPT IN THE EVENT OF AN EMERGENCY. A HOSPITAL IS IN
5 VIOLATION OF THIS SECTION IF THE HOSPITAL DOES EITHER OF THE
6 FOLLOWING:
7 (A) TERMINATES OR PROPOSES TO TERMINATE THE EMPLOYMENT OF A
8 NURSE SOLELY BECAUSE THE NURSE CHOSE NOT TO WORK OVERTIME.
9 (B) TAKES OR PROPOSES TO TAKE DISCIPLINARY OR RETALIATORY

1 ACTION AGAINST A NURSE SOLELY BECAUSE THE NURSE CHOSE NOT TO WORK
2 OVERTIME.

3 (2) SUBSECTION (1) DOES NOT PROHIBIT EITHER OF THE FOLLOWING:

4 (A) A NURSE FROM VOLUNTARILY WORKING MORE THAN 40 HOURS IN ANY
5 7-DAY WORK PERIOD OR MORE THAN HIS OR HER SCHEDULED SHIFT IN ANY
6 DAY.

7 (B) A HOSPITAL FROM OFFERING OVERTIME TO A NURSE OR PERMITTING
8 A NURSE TO WORK OVERTIME IF HE OR SHE CHOOSES TO WORK OVERTIME.

9 (3) IN ADDITION TO THE SANCTIONS SET FORTH IN SECTION 20165, A
10 HOSPITAL THAT VIOLATES THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE
11 FINE OF NOT MORE THAN \$10,000.00 FOR EACH VIOLATION. ALL FINES
12 COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE NURSE
13 PROFESSIONAL FUND ESTABLISHED UNDER SECTION 16315.

14 (4) AS USED IN THIS SECTION:

15 (A) "EMERGENCY" MEANS AN UNUSUAL OR UNPREDICTABLE CIRCUMSTANCE
16 THAT INCREASES THE NEED FOR PATIENT CARE, INCLUDING, BUT NOT
17 LIMITED TO, AN ACT OF TERRORISM, A DISEASE OUTBREAK, ADVERSE
18 WEATHER CONDITIONS, OR A NATURAL DISASTER.

19 (B) "NURSE" MEANS A LICENSED PRACTICAL NURSE OR A REGISTERED
20 PROFESSIONAL NURSE LICENSED TO ENGAGE IN THE PRACTICE OF NURSING
21 UNDER PART 172.