HOUSE DOCKET, NO. 1294 FILED ON: 1/20/2011

HOUSE . . . . . No. 1506

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day and John Hart, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act protecting patients from preventable medical errors by prohibiting mandatory overtime.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James J. O'Day	*14th Worcester*
Christopher M. Markey	*9th Bristol*
Harriette L. Chandler	☐ *[District]* ☐
Kevin Aguiar	*7th Bristol*
Aaron Michlewitz	*3rd Suffolk*
Louis L. Kafka	*8th Norfolk*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
John Hart, Jr.	☐ *[District]* ☐
James M. Cantwell	*4th Plymouth*
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Sean Curran	*9th Hampden*
Jennifer E. Benson	*37th Middlesex*
Angelo J. Puppolo, Jr.	*12th Hampden*

Edward F. Coppinger	*10th Suffolk*
Sean Garballey	*23rd Middlesex*
Michael O. Moore	☐ *[District]* ☐
John P. Fresolo	*16th Worcester*
Frank I. Smizik	*15th Norfolk*
Joyce A. Spiliotis	*12th Essex*
Ruth B. Balser	*12th Middlesex*
Michael F. Rush	*Suffolk and Norfolk*
Geraldo Alicea	*6th Worcester*
Sarah K. Peake	*4th Barnstable*
Cory Atkins	*14th Middlesex*
Gloria L. Fox	*7th Suffolk*
Martin J. Walsh	*13th Suffolk*
Tackey Chan	*2nd Norfolk*
Paul W. Mark	*2nd Berkshire*
Patricia A. Haddad	*5th Bristol*
Walter F. Timilty	*7th Norfolk*
Christine E. Canavan	*10th Plymouth*
Marc R. Pacheco	☐ *[District]* ☐
Michael D. Brady	*9th Plymouth*
Rhonda Nyman	*5th Plymouth*
Denise Andrews	*2nd Franklin*
Denise C. Garlick	*13th Norfolk*
Denise Provost	*27th Middlesex*
Jennifer L. Flanagan	☐ *[District]* ☐
Anne M. Gobi	*5th Worcester*
Elizabeth A. Malia	*11th Suffolk*
David Paul Linsky	*5th Middlesex*
Timothy J. Toomey, Jr.	*26th Middlesex*
Cleon H. Turner	*1st Barnstable*
Nick Collins	*4th Suffolk*
Brian M. Ashe	*2nd Hampden*
Ellen Story	*3rd Hampshire*

Carlo Basile	*1st Suffolk*
James M. Murphy	*4th Norfolk*
John W. Scibak	*2nd Hampshire*
Daniel A. Wolf	
	☐ *[District]*
	☐

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HOUSE . . . . . No. 1506

By Representative O'Day of West Boylston and Senator Hart, a joint petition (accompanied by bill, House, No. 1506) of James J. O'Day and others relative to prohibiting mandatory overtime for certain health care workers. Public Health.

The Commonwealth of Massachusetts

An Act protecting patients from preventable medical errors by prohibiting mandatory overtime.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 111 of the general laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 56 the following sections:-

Section 56A. In sections 56A to 56B, inclusive, the following words shall have the following meanings:

"Health Care Workforce", personnel that have an effect upon the delivery of quality care to patients, including, but not limited to, licensed practical nurses, unlicensed assistive personnel and/or other service, maintenance, clerical, professional and/or technical workers and other healthcare workers.

"Hospital", a hospital licensed under section 51 of chapter 111, the teaching hospital of the University of Massachusetts medical school, a licensed private or state-owned and state-operated general acute care hospital, or an acute care unit within a state-operated facility; provided, however, that "hospital" shall not include a licensed non-acute care hospital classified as an inpatient rehabilitation facility, or a long term care hospital.

"Nurse", a registered nurse licensed under section 74 of chapter 112 or a licensed practical nurse licensed under section 74A of said chapter 112.

"Mandatory Overtime", any employer request with respect to overtime, which, if refused or declined by the employee, may result in an adverse employment consequence to the employee. The term mandatory overtime with respect to an employee means any hours worked by a nurse or the health care workforce to deliver patient care, beyond the predetermined and regularly scheduled number of hours that the employer and employee have agreed that the employee shall work.

22 Section 56B. (a) A hospital shall not require or permit a nurse to work more than 12
23 hours in any given shift or to exceed 16 hours in a 24 hour period. A nurse may not be
24 disciplined, dismissed or discharged for refusing to work beyond the hours specified in this
25 paragraph. A nurse who works 12 consecutive hours in a shift shall be given at least 8 hours off
26 from any work between shifts.

27 (b) Except in cases of a federal or state government declared public emergency, or a
28 facility-wide emergency, no facility may employ mandatory overtime for either nurses or the
29 health care workforce.

30 (c) Nothing in this section shall be construed to limit, alter or modify the terms,
31 conditions or provisions of a collective bargaining agreement entered into by the hospital.