

HB 1977 -- Safe Patient Care Act

Sponsor: Burnett

This bill establishes the Safe Patient Care Act to regulate the mandatory overtime of health care workers except in the case of an unforeseeable emergency when the employer has exhausted all reasonable efforts to obtain staffing and overtime is not required to fill vacancies resulting from chronic staff shortages. Employers are not required to exhaust reasonable efforts to obtain staffing in the event of a declared national, state, or municipal disaster or other catastrophic event that increases the need for health care services. Employers must document in writing and make available to the Department of Health and Senior Services that reasonable efforts were used to obtain staffing prior to asking employees to work overtime.

An employee may voluntarily agree to work overtime; however, any contract or agreement that compels, coerces, or forces an employee to work overtime is contrary to public policy and will be void. Employers are prohibited from retaliating, discriminating, discharging, dismissing, or threatening to report the individual to a licensing body or regulatory agency.

An employer will be subject to a penalty not to exceed \$10,000 per violation unless the employer violates this provision on four or more occasions; in which case, the penalty will not exceed \$15,000 per occurrence. The employer may also be liable to the employee in the form of reinstatement, promotion, payment of lost wages and benefits, and other equitable relief.

The department in consultation with the Attorney General is required to develop rules to ensure the compliance of the provisions of the bill.