

SENATE BILL REPORT

SB 5419

As Reported By Senate Committee On:
Health & Long-Term Care, February 27, 2003

Title: An act relating to hours of health care facility employees of the state.

Brief Description: Limiting overtime work by health care facility employees of the state.

Sponsors: Senators Deccio, Thibaudeau, Roach, Keiser, Kohl-Welles and McAuliffe.

Brief History:

Committee Activity: Health & Long-Term Care: 2/4/03, 2/27/03 [DPS-WM].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Staff: Jonathan Seib (786-7427)

Background: In response to concerns regarding certain safety and quality of care, legislation was passed in 2002 prohibiting, with some exceptions, certain health care facilities from requiring nurses to work overtime. "Overtime" is defined to mean hours in excess of an agreed upon, regularly scheduled shift, not exceeding 12 hours in any 24-hour period, or 80 hours in any 14-day period.

The law specifically lists those facilities to which it applies, including hospices, hospitals, rural health care facilities, psychiatric hospitals, and any nursing home or home health agency operated under the license of one of these facilities. State mental hospitals are not included among the facilities listed.

The Department of Labor and Industries investigates and issues citations for violations of the law. A civil penalty of up to \$1000 per infraction may be imposed for the first three infractions. A fourth infraction is subject to a penalty of \$2500, with each subsequent infraction subject to a penalty of \$5000.

Summary of Substitute Bill: The following entities are added to the list of health care facilities to which the overtime prohibition law for nurses applies: state hospitals for the mentally ill; state residential habilitation centers; state veterans' homes; state or local correctional institutions; facilities that provide health care in an institution for juveniles committed to the custody of the Department of Social and Health Services or in a county detention facility where juveniles are confined; and home health agencies, but only with respect to those home health agency employees who are in a bargaining unit with employees of covered hospitals.

Substitute Bill Compared to Original Bill: The original bill added only state hospitals for the mentally ill, state veterans' homes, and state residential habilitation centers to the list of facilities to which the nurse overtime law applies.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The law is working well in the private sector and should work as well for state facilities. The bill simply addresses an issue that was thought to have been addressed when the law was initially passed last year. Prohibiting forced overtime is an issue of both safety and morale. The bill has not had a financial impact in the private sector, and should not have any in the public sector either. It will help address the costs of nurses leaving due to undesirable working conditions.

Testimony Against: None

Testified: PRO: Bev Hermanson, Federation of State Employees; Tarik Burney, Sheridan Watson, SEIU; Tammy Warnke, WSNA.