

**HB 1290** - S COMM AMD

By Committee on Ways & Means

ADOPTED 04/08/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 49.28.130 and 2002 c 112 s 2 are each amended to read  
4 as follows:

5 The definitions in this section apply throughout this section and  
6 RCW 49.28.140 and 49.28.150 unless the context clearly requires  
7 otherwise.

8 (1) "Employee" means a licensed practical nurse or a registered  
9 nurse licensed under chapter 18.79 RCW employed by a health care  
10 facility who is involved in direct patient care activities or clinical  
11 services and receives an hourly wage.

12 (2) "Employer" means an individual, partnership, association,  
13 corporation, the state (~~(institution)~~), a political subdivision of the  
14 state, or person or group of persons, acting directly or indirectly in  
15 the interest of a health care facility.

16 (3)(a) "Health care facility" means the following facilities, or  
17 any part of the facility, including such facilities if owned and  
18 operated by a political subdivision or instrumentality of the state,  
19 that operate(~~(s)~~) on a twenty-four hours per day, seven days per week  
20 basis:

21 (i) Hospices licensed under chapter 70.127 RCW(~~(7)~~);

22 (ii) Hospitals licensed under chapter 70.41 RCW(~~(7)~~);

23 (iii) Rural health care facilities as defined in RCW 70.175.020(~~(7~~  
24 and));

25 (iv) Psychiatric hospitals licensed under chapter 71.12 RCW(~~(7~~  
26 and includes such facilities if owned and operated by a political  
27 subdivision or instrumentality of the state)); or

28 (v) Facilities owned and operated by the department of corrections  
29 or by a governing unit as defined in RCW 70.48.020 in a correctional

1 institution as defined in RCW 9.94.049 that provide health care  
2 services to inmates as defined in RCW 72.09.015.

3 (b) If a nursing home regulated under chapter 18.51 RCW or a home  
4 health agency regulated under chapter 70.127 RCW is operating under the  
5 license of a health care facility, the nursing home or home health  
6 agency is considered part of the health care facility for the purposes  
7 of this subsection.

8 (4) "Overtime" means the hours worked in excess of an agreed upon,  
9 predetermined, regularly scheduled shift within a twenty-four hour  
10 period not to exceed twelve hours in a twenty-four hour period or  
11 eighty hours in a consecutive fourteen-day period.

12 (5) "On-call time" means time spent by an employee who is not  
13 working on the premises of the place of employment but who is  
14 compensated for availability or who, as a condition of employment, has  
15 agreed to be available to return to the premises of the place of  
16 employment on short notice if the need arises.

17 (6) "Reasonable efforts" means that the employer, to the extent  
18 reasonably possible, does all of the following but is unable to obtain  
19 staffing coverage:

20 (a) Seeks individuals to volunteer to work extra time from all  
21 available qualified staff who are working;

22 (b) Contacts qualified employees who have made themselves available  
23 to work extra time;

24 (c) Seeks the use of per diem staff; and

25 (d) Seeks personnel from a contracted temporary agency when such  
26 staffing is permitted by law or an applicable collective bargaining  
27 agreement, and when the employer regularly uses a contracted temporary  
28 agency.

29 (7) "Unforeseeable emergent circumstance" means (a) any unforeseen  
30 declared national, state, or municipal emergency; (b) when a health  
31 care facility disaster plan is activated; or (c) any unforeseen  
32 disaster or other catastrophic event which substantially affects or  
33 increases the need for health care services.

34 NEW SECTION. Sec. 2. If specific funding for the purposes of this  
35 act, referencing this act by bill or chapter number, is not provided by  
36 June 30, 2011, in the omnibus appropriations act, this act is null and  
37 void."

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1        On page 1, line 2 of the title, after "employees;" strike the  
2 remainder of the title and insert "amending RCW 49.28.130; and creating  
3 a new section."

EFFECT:        Makes the bill contingent on funding in the omnibus  
appropriations act.

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