

Nurse Overtime and Patient Safety Act
Introduced by Senator Jeff Merkley (D-OR) and
Representatives Doris Matsui (D-CA) and Jen Kiggans (R-VA)

Limits on work hours are commonplace in high-risk occupational settings where long work hours can adversely affect safety, performance, job satisfaction, and quality of life. Regulations to limit work hours have been in place since the 1930s starting with the aviation, trucking, and marine industries.

Unfortunately, the health care sector has been slower to adopt work hour regulations, including policies regarding mandatory overtime. Nurses working long hours often experience fatigue, poor sleep quality, impaired vigilance, and lack of alertness, which contributes to medical errors and results in other consequences that compromise patient safety. Because nurses frequently work under a 12-hour shift schedule, they not only work extended hours but also return to work without sufficient time for rest.

Nursing shortages have exacerbated the need for nurses to work overtime as a short-term solution to staffing challenges. While many nurses are glad to do this and earn additional income, substantial use of mandatory overtime can jeopardize patient safety.

To date, 18 states have passed legislation or promulgated regulations restricting mandatory overtime for nurses, but similar legislation has not been enacted at the federal level. Nurses comprise the single-largest component of the health care profession with 5.2 million registered nurses nationwide. That is why Senator Merkley and Representatives Matsui and Kiggans are introducing the **Nurse Overtime and Patient Safety Act**, which would:

- Limit mandatory overtime for nurses by prohibiting health care facilities from *requiring* nurses to work:
 - In excess of a previously scheduled work shift or duty period of the nurse;
 - 48 hours in any workweek;
 - 12 consecutive hours in a 24-hour period; or
 - During the 10 hours immediately following the 12th hour worked in a shift or duty period.
- Provide exceptions during a declared emergency or disaster if the provider has made reasonable efforts to fill the immediate staffing needs, the staff vacancy for the next shift becomes known at the end of the current shift, and there is potential harm to an assigned patient.
- Include whistleblower and nondiscrimination protections to protect nurses against retaliation by noncompliant employers.
- Impose civil penalties of no more than \$10,000 to providers for each known violation.
- Require providers to develop a written policy and procedure for when mandatory overtime is required and distribute the policy to all new nursing staff. Providers must also post a sign specifying the rights of nurses and the right to file a complaint.
- Require the posting of nurse schedules by department or unit involved.
- Not alter or otherwise affect rights afforded to nurses under federal, state, or local laws or under the terms of collective bargaining agreements or other agreements with their employers.
- Not preempt any state law that provides greater mandatory overtime protections for nurses.
- Require a study on standards for safe working hours for nurses and a study to determine the extent to which facilities have practices and policies on overtime requirements that are inconsistent with this legislation.