

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 812

Short Title: Study Mandatory Nurse Overtime. (Public)

Sponsors: Representatives Glazier, M. Alexander (Primary Sponsors); Faison, Harrison, Insko, and Lucas.

Referred to: Health, if favorable, Appropriations.

March 26, 2009

A BILL TO BE ENTITLED
AN ACT CREATING THE JOINT LEGISLATIVE STUDY COMMISSION ON
MANDATORY NURSE OVERTIME AND APPROPRIATING FUNDS FOR THAT
PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is created the Joint Legislative Study Commission on Mandatory Nurse Overtime (Commission). The Commission shall consist of 13 voting members appointed as follows:

- (1) Six members appointed by the Speaker of the House of Representatives, to include:
 - a. Three members of the House of Representatives.
 - b. One person in the field of hospital administration.
 - c. One person who is a registered nurse.
 - d. One member of the general public.
- (2) Six members appointed by the President Pro Tempore of the Senate, to include:
 - a. Three members of the Senate.
 - b. One person in the field of human resources management.
 - c. One person who is a licensed practical nurse.
 - d. One member of the general public.
- (3) One member appointed by the Governor.

The Secretary of Health and Human Services, or the secretary's designee, shall serve as an ex officio nonvoting member of the Commission.

SECTION 1.(b) The Commission shall:

- (1) Assess the current use of mandatory nurse overtime as a staffing tool in hospitals and health care organizations.
- (2) Review current nurse-to-patient staffing ratios in hospitals and health care organizations, and examine whether mandating the maintenance of specific, minimum nurse-to-patient ratios will improve patient safety and the quality of patient care in hospitals and health care organizations.
- (3) Review the impact of mandatory nurse overtime on medication errors, patient care and safety, nurses' health and safety, nurses' legal liability, and institutional liability of hospitals and health care organizations.
- (4) Evaluate the benefits and disadvantages of a statutory ban on mandatory nurse overtime, including (i) any justifiable exceptions to a ban on mandatory nurse overtime, (ii) the penalties, if any, that should be imposed



1 on employers that violate the ban, (iii) the remedies, if any, that should be
2 available to a nurse if the nurse's employer violates a ban on mandatory
3 nurse overtime, (iv) the fiscal impact of a ban on mandatory nurse overtime
4 on hospitals and health care organizations, and (v) the impact of a ban on
5 mandatory nurse overtime on the shortage of nurses in specialty and
6 advanced nursing and in various geographic areas of the State.

7 (5) Study any other matter related to mandatory nurse overtime that the
8 Commission deems relevant.

9 (6) Make an interim report to the 2010 Regular Session of the 2009 General
10 Assembly upon its convening.

11 (7) Make a final report to the 2011 General Assembly that includes findings,
12 recommendations, and legislative proposals relating to mandatory nurse
13 overtime.

14 **SECTION 1.(c)** The Speaker of the House of Representatives and the President
15 Pro Tempore of the Senate shall each appoint a cochair for the Commission. The Commission
16 may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the
17 Legislative Services Commission, the Legislative Services Officer shall assign professional and
18 clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the
19 Commission through the offices of the House of Representatives' and the Senate's Directors of
20 Legislative Assistants. The Commission may meet in the Legislative Building or the
21 Legislative Office Building upon the approval of the Legislative Services Commission.
22 Members of the Commission shall receive per diem, subsistence, and travel allowances at the
23 rate established in G.S. 120-3.1. The appointing authority shall fill vacancies. The Commission,
24 while in the discharge of its official duties, may exercise all the powers provided under the
25 provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all officers,
26 agents, agencies, and departments of the State to provide any information, data, or documents
27 within their possession, ascertainable from their records, or otherwise available to them and the
28 power to subpoena witnesses.

29 **SECTION 1.(d)** The Commission shall terminate upon filing its final report.

30 **SECTION 2.** There is appropriated from the General Fund to the General
31 Assembly the sum of fifty thousand dollars (\$50,000) for the 2009-2010 fiscal year and the sum
32 of fifty thousand dollars (\$50,000) for the 2010-2011 fiscal year to fund the work of the
33 Legislative Study Commission on Mandatory Nurse Overtime.

34 **SECTION 3.** This act becomes effective July 1, 2009.