

**Introduced by Senator Edward M. Kennedy and Senator John F. Kerry
110th Congress**

The widespread practice of mandatory overtime in the nursing profession means that over-worked nurses are often forced to provide care when they are too tired to perform their jobs. While existing government standards limit the hours that pilots, flight attendants, truck drivers, railroad engineers and other professions can work before public safety is endangered, no similar limitation exists for the nation's nurses, who care for so many of our most vulnerable citizens.

The Safe Nursing and Patient Care Act takes the important step of strictly limiting the ability of providers to force nurses – for fear of losing their jobs – to work beyond their professional opinion of what is safe.

The bill would set strict limits on the ability of health facilities to require mandatory overtime from nurses. Nurses would be allowed to continue voluntary overtime at their discretion, but mandatory overtime would be allowed only when an official state of emergency has been declared by the federal, state or local government. These limits would be part of Medicare's provider agreements. They would not apply to nursing homes, since alternative staffing and quality measures are being developed for those facilities.

To ensure compliance, the bill provides the Department of Health and Human Services with the authority to investigate complaints from nurses about violations. It also grants the Department the power to assess civil monetary penalties of up to \$10,000 for violations of the Act, and to increase those fines for patterns of violations.

Providers would be required to post notices explaining these new rights and to post nurse schedules in prominent workplace locations. Nurses would also receive anti-retaliation protections for reporting employers who require them to work hours beyond what is safe for quality care. The names of providers who violate the law would be posted on the Medicare website.

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