

1 AN ACT concerning hospital workers.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Hospital Licensing Act is amended by adding
5 Section 17 as follows:

6 (210 ILCS 85/17 new)

7 Sec. 17. Nurse overtime prohibited.

8 (a) Definitions. As used in this Section:

9 "Nurse" means any registered nurse, licensed practical
10 nurse, or assistive nursing professional who receives an hourly
11 wage and has direct responsibility to oversee or carry out
12 medical regimens or nursing care for one or more patients.

13 "Overtime" means work in excess of an agreed-to,
14 predetermined scheduled work shift not to exceed 16 hours in
15 any 24-hour period, or work in excess of 120 hours in a
16 consecutive 14-day period, but does not include time spent by
17 nurses being on call. In a hospital for which a collective
18 bargaining agreement is in place, the collective bargaining
19 agreement shall prevail.

20 "On-call" means the status of a nurse who has agreed to be
21 scheduled as available for a specific time period but who is
22 not scheduled to a patient-specific assignment until and when
23 patient needs require the nurse's nursing services and the
24 nurse is then requested to work in order to ensure the
25 availability of qualified specialty staff to meet an unexpected
26 patient need or provide continuity through completion of a
27 case, treatment or procedure.

28 "Unforeseen emergent circumstance" means an unusual,
29 unpredictable, unforeseen, or unexpected circumstance calling
30 for additional clinical assistance or care where the hospital
31 has no reasonable alternative for obtaining such care or
32 assistance.

1 (b) Overtime prohibited. No nurse shall be required to work
2 overtime except in the case of an unforeseen emergent
3 circumstance when overtime is required only as a last resort. A
4 nurse shall be required to work overtime if:

5 (1) the work is a consequence of an emergency situation
6 that could not have been reasonably anticipated;

7 (2) the nurse has critical skills and expertise that
8 are required for the work;

9 (3) the State has enacted its medical disaster plan; or

10 (4) the standard of care for a patient assignment
11 requires continuity of care through completion of a case,
12 treatment, or procedure.

13 In calculating overtime, on-call hours are not considered
14 until patient need requires nursing services and the nurse is
15 then requested to work in order to ensure the availability of
16 qualified specialty staff to meet an unexpected patient need or
17 provide continuity through completion of a case, treatment, or
18 procedure.

19 (c) Violations. Any employee of a hospital that is subject
20 to this Act may file a complaint with the Department of Public
21 Health regarding an alleged violation of this Section. The
22 complaint must be filed within 30 days following the occurrence
23 of the incident giving rise to the alleged violation. The
24 Department must forward notification of the alleged violation
25 to the hospital in question within 3 business days after the
26 complaint is filed.

27 A violation of this Section must be proven by clear and
28 convincing evidence that a nurse was required to work overtime
29 against his or her will. The hospital may defeat the claim of a
30 violation by clear and convincing evidence that an unforeseen
31 emergent circumstance, which required overtime work only as a
32 last resort, existed at the time the employee was required or
33 compelled to work.

34 Upon receiving a complaint of a violation of this Section,
35 the Department may take any action authorized under Section 7
36 or 9 of this Act.

1 (d) Posting of summary. Every hospital that is subject to
2 this Act must keep a summary of this Section approved by the
3 Director of Labor posted in a conspicuous and accessible place
4 in or about the premises wherever any person subject to this
5 Section is employed. The Department of Labor must furnish
6 copies of the summary on request to hospitals, without charge.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.