

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE

House Bill 889 (Delegate Nathan-Pulliam, *et al.*)  
Economic Matters

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**Labor and Employment - Nurses - Involuntary Overtime Prohibition**

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This bill prohibits an employer from requiring a licensed practical nurse or a registered nurse from working more than eight hours in any work day or 40 hours in any work week.

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**Fiscal Summary**

**State Effect:** The bill would not materially affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** Minimal. Small businesses that employ nurses could incur additional expenses from hiring extra staff to ensure proper coverage.

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**Analysis**

**Bill Summary:** If the workweek is based on four ten-hour days, a nurse may not be required to work more than ten hours in a day. However, an employer may require a nurse to work part or all of the next succeeding work shift if: (1) the work is a consequence of an emergency situation that could not have been reasonably anticipated; (2) the emergency is nonrecurring and is not caused by or contributed to by the employer's inattention or lack of reasonable contingency plans; (3) the employer has exhausted all good faith reasonable attempts to obtain voluntary workers during the succeeding shifts; (4) the nurse has critical skills and expertise that are required for the work; and (5) the employer has informed the nurse of the basis for the employer's direction.

A nurse cannot be considered responsible for the care of a patient beyond the nurse's prescribed work period if the nurse has notified another nurse of the patient's status and has transferred responsibility for the patient's care to another appropriate individual.

An employer cannot discharge, discriminate against, or retaliate in any manner against a nurse because the nurse declines to work beyond the nurse's prescribed work period. A nurse who believes that he or she has been discharged, discriminated against, or retaliated against by an employer can bring civil action for damages and reasonable attorney's fees.

**Current Law:** None applicable.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 732 (Senator Hollinger, *et al.*) – Finance.

**Information Source(s):** Department of Health and Mental Hygiene (Board of Nursing, Health Services Cost Review Commission), Department of Legislative Services

**Fiscal Note History:** First Reader – March 5, 2001  
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