

An Act Protecting Patients from Preventable Medical Errors by Prohibiting Mandatory Overtime

SECTION 1. [Chapter 111 of the general laws](#), as appearing in the 2006 Official Edition, is hereby amended by inserting after section 56 the following sections:-

Section 56A. In sections 56A to 56B, inclusive, the following words shall have the following meanings:

“Health Care Workforce”, personnel that have an effect upon the delivery of quality care to patients, including, but not limited to, licensed practical nurses, unlicensed assistive personnel and/or other service, maintenance, clerical, professional and/or technical workers and other healthcare workers.

“Hospital”, a hospital licensed under [section 51 of chapter 111](#), the teaching hospital of the University of Massachusetts medical school, a licensed private or state-owned and state-operated general acute care hospital, or an acute care unit within a state-operated facility; provided, however, that “hospital” shall not include a licensed non-acute care hospital classified as an inpatient rehabilitation facility, or a long term care hospital.

“Nurse”, a registered nurse licensed under [section 74 of chapter 112](#) or a licensed practical nurse licensed under section 74A of said chapter 112.

“Mandatory Overtime”, any employer request with respect to overtime, which, if refused or declined by the employee, may result in an adverse employment consequence to the employee. The term mandatory overtime with respect to an employee means any hours worked by a nurse or the health care workforce to deliver patient care, beyond the predetermined and regularly scheduled number of hours that the employer and employee have agreed that the employee shall work.

Section 56B. (a) A hospital shall not require or permit a nurse to work more than 12 hours in any given shift or to exceed 16 hours in a 24 hour period. A nurse may not be disciplined, dismissed or discharged for refusing to work beyond the hours specified in this paragraph. A nurse who works 12 consecutive hours in a shift shall be given at least 8 hours off from any work between shifts.

(b) Except in cases of a federal or state government declared public emergency, or a facility-wide emergency, no facility may employ mandatory overtime for either nurses or the health care workforce.

(c) Nothing in this section shall be construed to limit, alter or modify the terms, conditions or provisions of a collective bargaining agreement entered into by the hospital.