



**Remarks by Colleen Wolfe, RN, for Public Hearing  
On Proposed Guidelines for Determining What Constitutes an Emergency Situation for the  
Purposes of Allowing Mandatory Overtime Pursuant to M.G.L c 111, section 226**

**April 26, 2013**

Good morning. My name is Colleen Wolfe and I am a nurse at UMass Memorial Medical Center on the Memorial Hospital campus, where I have worked for more than two decades. I am also a co-chair of our MNA local bargaining unit, chair of the nurses' staffing committee and a member of the Massachusetts Nurses Association Board of Directors. I come here today to speak on behalf the 2,000 nurses who work within the UMass system. The definition of emergency situation you are charged with developing is of great interest to the nurses at UMass as our facility is the poster child for what should NOT be allowed as a definition of an emergency.

In reading the law it is clearly stated that mandatory overtime cannot be used, and I quote, "as a practice for providing appropriate staffing for the level of patient care required." End quote. As I understand that language, the onus is on the hospital to have the nurses needed to provide the care patients require. That is not happening at UMass Medical Center. In the last two years we have gone from being the best staffed hospital in Worcester to the worst staffed hospital. Despite posting profits of \$56 million last year and a similar amount the year prior to that, UMass has embraced Toyota lean staffing processes, which have resulted in no less than six layoffs in the last two years.

Worse still, after cutting our staff, and thus limiting our ability to provide the care our patients require, UMass, on a periodic basis, issues what they call a "code help" and implements what they have termed a "hospital-wide disaster" plan. When this happens, no nurse is allowed to leave the facility and mandatory overtime becomes the staffing tool.

Does this happen because of a super storm, or a chemical explosion at a nearby factory? No, this happens because we have more patients seeking care than their skeletal staffing plan will allow. It is no coincidence that the first time this, so called, disaster plan was utilized was the week following the ill advised closing of one of our medical surgical floors, the closing of which took place just before the onset of the flu season.

Adding insult to injury, the Department of Public Health, after we appealed to them for help, sanctioned this outrageous practice.

The guidelines put forth by this esteemed commission defines an emergency and further, a patient care emergency, as an **unforeseen event that could not be prudently planned for or anticipated by a hospital and affects patient safety in the hospital**. And further, that patient care emergency shall not include a situation that is the result of routine staffing needs caused by typical staffing patterns, typical levels of absenteeism, or time off typically approved by the hospital for vacation, holidays, sick leave, and personal leave.

Fluctuating censuses in emergency rooms are indeed foreseeable and can and should be prudently planned for and anticipated by hospitals. The flow of admissions can and should be prudently planned for in

hospitals. The “code help” *disasters* at UMass were caused by UMass administrators alone and such events are preventable by ensuring that the hospital is staffed with an adequate number of nurses to care for patients, however we have no doubt that with the patient care emergency language now in the guidelines, our administration would use this language to justify continuing its current practices.

You cannot allow these events at UMass to continue. The nurses of UMass urge you to protect our patients. Hospital administrators cannot be allowed to define what is an emergency and you cannot sanction conscious decisions by irresponsible managers to deliberately understaff hospitals and use forced overtime as a cost containment strategy.

I am here today to issue my own code help for the nurses and patients of UMass Medical Center and all of Massachusetts.