

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7388

BILL NUMBER: HB 1353

NOTE PREPARED: Jan 4, 2023

BILL AMENDED:

SUBJECT: Health Care Staffing.

FIRST AUTHOR: Rep. Ledbetter

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires a hospital to establish a nurse staffing council or assign the functions of the council to an entity in the hospital to develop a nurse staffing plan and review any reported deviations from the plan. It prohibits a hospital from taking certain actions against an employee or contract worker for filing a deviation report. The bill also prohibits a hospital, ambulatory outpatient surgery center, health facility, or residential care facility from requiring a registered nurse or licensed practical nurse to work mandatory overtime. It establishes exceptions. The bill prohibits a hospital, ambulatory outpatient surgery center, health facility, or residential care facility from taking certain actions against an employee who does not consent to work mandatory overtime.

Effective Date: July 1, 2023.

Explanation of State Expenditures: The Family and Social Services Administration (FSSA) will experience a minor workload increase to ensure residential care facilities are following the bill's requirements. The bill's requirements are within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Explanation of State Revenues:

Explanation of Local Expenditures: The bill will result in additional workload for hospitals to establish a council, assist in developing an annual patient care unit and shift based nurse plan, and adhere to the mandatory overtime provision of the bill.

Additional Information: The bill requires hospitals to establish a council where at least 51% of the members are registered nurses who spend at least 50% of their time in direct patient care. The council is then required to assist in developing an annual patient care unit and shift based nurse plan, communicate the details of the plan with all nurses, and develop a feedback system for individuals who feel that the staffing plan is not being followed. The council is also required to meet at least quarterly to review deviation reports.

Hospitals and ambulatory outpatient surgery centers will also be required to inform current and prospective employees of the hours and on call requirements stated in the employee's employment agreement, that the employee will not be required to work in excess on the hours and on call requirements stated in the employment agreement without the employee's consent, and the protections available to the employee.

The bill also restricts hospitals, ambulatory outpatient surgery centers, health facilities, and residential care facilities from requiring registered nurses or licensed practical nurses to work mandatory overtime, except for limited circumstances.

Explanation of Local Revenues:

State Agencies Affected: Family and Social Services Administration.

Local Agencies Affected: Locally owned hospitals; ambulatory outpatient surgery centers; health facilities; residential care facilities.

Information Sources:

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