

HOUSE BILL NO. 5999

September 26, 2024, Introduced by Reps. Young, Rheingans, Wilson, McFall, Farhat and Coffia and referred to the Committee on Labor.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20165 (MCL 333.20165), as amended by 2008 PA 39, and by adding sections 17233 and 21526.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 17233. (1) A registered professional nurse's refusal to**
2 **accept a hospital's request to work more than the registered**
3 **professional nurse's regularly scheduled hours according to the**
4 **registered professional nurse's predetermined work schedule at the**

1 hospital is not, by itself, grounds for administrative action under
2 sections 16221 and 16226.

3 (2) As used in this section, "hospital" means that term as
4 defined in section 20106.

5 Sec. 20165. (1) Except as otherwise provided in this section,
6 after notice of intent to an applicant or licensee to deny, limit,
7 suspend, or revoke the applicant's or licensee's license or
8 certification and an opportunity for a hearing, the department may
9 deny, limit, suspend, or revoke the license or certification or
10 impose an administrative fine on a licensee if 1 or more of the
11 following exist:

12 (a) Fraud or deceit in obtaining or attempting to obtain a
13 license or certification or in the operation of the licensed health
14 facility or agency.

15 (b) A violation of this article or a rule promulgated under
16 this article.

17 (c) False or misleading advertising.

18 (d) Negligence or failure to exercise due care, including
19 negligent supervision of employees and subordinates.

20 (e) Permitting a license or certificate to be used by an
21 unauthorized health facility or agency.

22 (f) Evidence of abuse regarding a patient's health, welfare,
23 or safety or the denial of a patient's rights.

24 (g) Failure to comply with section 10115.

25 (h) Failure to comply with part 222 or a term, condition, or
26 stipulation of a certificate of need issued under part 222, or
27 both.

28 (i) A violation of section 20197(1).

29 (j) A violation of section 21526.

1 (2) The department may deny an application for a license or
2 certification based on a finding of a condition or practice that
3 would constitute a violation of this article if the applicant were
4 a licensee.

5 (3) Denial, suspension, or revocation of an individual
6 emergency medical services personnel license under part 209 is
7 governed by section 20958.

8 (4) If the department determines under subsection (1) that a
9 health facility or agency has violated section 20197(1), the
10 department shall impose an administrative fine of \$5,000,000.00 on
11 the health facility or agency.

12 (5) If the department determines under subsection (1) that a
13 hospital has violated section 21526, the department shall impose an
14 administrative fine of \$1,000.00 on the hospital for each violation
15 and may impose any of the sanctions described in subsection (1).

16 Sec. 21526. (1) Except as otherwise provided in subsection
17 (3), a hospital shall not require a registered professional nurse
18 to work more than the registered professional nurse's regularly
19 scheduled hours according to the registered professional nurse's
20 predetermined work schedule.

21 (2) If a registered professional nurse works 12 or more
22 consecutive hours at a hospital, the hospital shall provide the
23 registered professional nurse with 8 consecutive hours of off-duty
24 time immediately after the registered professional nurse completes
25 that shift.

26 (3) Subsection (1) does not apply under any of the following
27 circumstances:

28 (a) During a declared state of emergency or a mass casualty
29 incident.

1 (b) If a registered professional nurse is assisting with a
2 patient-care procedure that extends beyond the registered
3 professional nurse's regularly scheduled hours according to the
4 registered professional nurse's predetermined work schedule and the
5 registered professional nurse's immediate supervisor, other than a
6 charge nurse, determines that the absence of the registered
7 professional nurse during the patient-care procedure could have an
8 adverse effect on the patient.

9 (c) If a registered professional nurse voluntarily accepts a
10 work assignment that causes the registered professional nurse's
11 hours to exceed the registered professional nurse's regularly
12 scheduled hours according to the registered professional nurse's
13 predetermined work schedule.

14 (d) During the first 4 weeks immediately following the initial
15 declaration of a public health emergency involving an epidemic
16 under section 2253.

17 (e) For 2 consecutive hours immediately following the end of a
18 registered professional nurse's regularly scheduled shift if all of
19 the following are met:

20 (i) The nurse cannot be relieved due to the unexpected absence
21 of the oncoming registered professional nurse intended to relieve
22 the registered professional nurse.

23 (ii) The unexpected absence described in subparagraph (i) was
24 discovered at or within 1 hour before the commencement of the
25 oncoming scheduled shift.

26 (iii) The unexpected absence described in subparagraph (i)
27 could not have been prudently planned for by the hospital and it
28 could significantly impact patient safety.

29 (4) A hospital shall not discharge or discipline, threaten to

1 discharge or discipline, or otherwise discriminate against a
2 registered professional nurse who is an employee of the hospital
3 regarding the registered professional nurse's compensation, terms,
4 conditions, assignment, or privileges of employment because the
5 registered professional nurse refuses to accept a work assignment
6 that causes the registered professional nurse's hours to exceed the
7 registered professional nurse's regularly scheduled hours according
8 to the registered professional nurse's predetermined work schedule.

9 (5) A hospital shall post a notice that informs registered
10 professional nurses who are employed by the hospital of this
11 section and how to file a complaint with the department for a
12 suspected violation of this section. The hospital shall post the
13 notice described in this subsection in 1 or more conspicuous places
14 where notices to employees of the hospital are customarily posted
15 and, if the hospital uses an intranet site to communicate with its
16 employees, on the hospital's intranet site.

17 (6) A hospital that violates this section is subject to the
18 administrative sanctions prescribed in section 20165.

19 (7) If a collective bargaining agreement is in effect for
20 employees of a hospital as of the effective date of the amendatory
21 act that added this section and if that collective bargaining
22 agreement prevents compliance with this section, then this section
23 does not apply until after the expiration of that collective
24 bargaining agreement.

25 (8) As used in this section:

26 (a) "Declared state of emergency" means an emergency that is
27 declared by a person authorized by the federal government, a local
28 government, or this state and that is related to a circumstance
29 that is unpredictable or unavoidable, affects the delivery of

1 medical care, and requires an immediate or exceptional level of
2 emergency or other medical services at the hospital. Declared state
3 of emergency does not include a public health emergency described
4 in subsection (3)(d) or an emergency that results from a labor
5 dispute in the health care industry or consistent understaffing in
6 the hospital.

7 (b) "Mass casualty incident" means an event with a number of
8 casualties that vastly exceeds the hospital's resources and
9 capabilities and that occurs in a short and defined period of time.

10 (c) "Registered professional nurse" means that term as defined
11 in section 17201.

12 Enacting section 1. This amendatory act takes effect on July
13 1, 2025.