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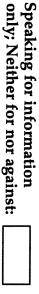
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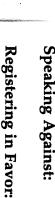
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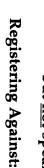
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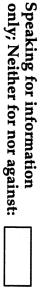
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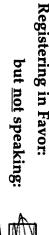
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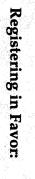
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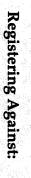
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(Representing) (City and Zip Code) Please return this slip to a messenger PROMPTLY. Speaking for information Speaking Against (Street Address or Route Number) only; Neither for nor against: Registering Against: Registering in Favor: Speaking in Favor: SUBJECT BILL NO. X 00015 VV 00 Cavid SENATE HEARING SLIP Senate Sergeant-At-Arms アジン State Capitol - B35 South Madison, WI 53707-7882 P.O.Box 7882 but not speaking: but not speaking: (Please Print Plainly) (Representing) (City and Zip Code) Please return this slip to a messenger PROMPTLY Speaking Against: (Street Address or Route Number) (NAME only; Neither for nor against: Speaking for information Speaking in Favor: SUBJECT BILL NO. Registering Against: Registering in Favor: SENATE HEARING SLIP 2000 State Capitol - B35 South Senate Sergeant-At-Arms Madison, WI 53707-7882 P.O.Box 7882 but not speaking: but not speaking (Please Print Plainly)

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Senate Sergeant-At-Arms State Capitol - B35 South

Madison, WI 53707-7882

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P.O.Box 7882 Madison, WI 53707-7882 State Capitol - B35 South

Senate Sergeant-At-Arms Room 109-LL One East Main

Madison, WI 53707-7882

P.O.Box 7882

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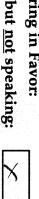
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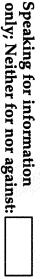
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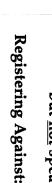
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William D. Petasnick

Milwankee



Wisconsin Health & Hospital Association, Inc.

5721 Odana Road Madison, WI 53719-1289

608/274-1820

FAX: 608/274-8554

August 28, 2001

TO:

Assembly Committee on Health

Senate Committee on Labor and Agriculture

FROM:

Tim Hartin, General Counsel

SUBJECT:

SB 211/AB 457 - Technical Issues

SB 211/AB 457 would effectively ban mandatory overtime by health care facilities. Leaving aside the issue of whether this is good public policy, as currently drafted the bill raises two major technical issues.

Conflict with Licensing Requirements. There are a number of regulatory mandates that may require a hospital to order mandatory overtime for the purpose of staying in compliance with the law. Because of these staffing mandates, the mandatory overtime statute would create situations where a hospital would have to choose between violating its license and violating the mandatory overtime law.

The administrative rule governing the licensing of hospitals, HFS 124, imposes the following requirements:

Staffing. 1. An adequate number of registered nurses shall be on duty at all times to meet the nursing care needs of the patients. There shall be qualified supervisory personnel for each service or unit to ensure adequate patient care management.

- 2. The number of nursing personnel for all patient care services of the hospital shall be consistent with nursing care needs of the hospital's patients.
- 3. The staffing pattern shall ensure the availability of registered nurses to assess, plan, implement and direct the nursing care for all patients on a 24-hour basis.²

http://www.wha.org

¹ Section 5 of the bill, creating § 146.999(2), Wis. Stats, reads as follows:

⁽²⁾ MANDATORY OVERTIME LIMITED. Except in cases of unforeseeable emergency in which a health care facility has first exhausted all other options, a health care facility may not require a health care worker who is paid an hourly wage to work for more than a work shift of 8, 10, or 12 hours that has been determined and agreed to before the performance of the work or to work for more than 40 hours per week without the consent of the health care worker.

² HFS 124.13(1)(c).