

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Address Mandatory Overtime for Hospital Professionals

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1728 is enacted to read:

§ 1728. Mandatory overtime for hospital professionals

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Division" means the division of licensing and regulatory services within the department.
- B. "Hospital" means a hospital licensed pursuant to chapter 405, including a mental health hospital.

2. Limits on mandatory overtime. Except as provided in subsection 3, a hospital may not require an employee with responsibilities for direct patient care to work more than 12 hours in any 24-hour period unless the employee voluntarily agrees.

3. Exceptions. This section does not apply to:

- A. Work performed in response to an emergency declared by a county, state or federal official;
- B. Work performed pursuant to a hospital's disaster plan;
- C. Allopathic physicians licensed pursuant to Title 32, chapter 48; or
- D. Osteopathic physicians licensed pursuant to Title 32, chapter 36.

4. Complaint. An aggrieved employee may file a complaint with the division within 45 days of a violation of subsection 2. The division shall notify the hospital that committed the alleged violation within 3 business days after receiving the complaint.

5. Reporting. A hospital shall regularly report to the division all instances of mandatory overtime and, for each instance, the circumstances necessitating the mandatory overtime.

6. Department of Labor. This section applies in addition to the restrictions on mandatory overtime enforced by the Department of Labor pursuant to Title 26, section 603.

7. Rulemaking. The division shall adopt rules to implement and administer this section, including, but not limited to, rules regarding the manner and schedule for reporting by hospitals. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill prohibits a hospital from requiring employees that provide direct patient care to work more than 12 hours in any 24-hour period. This requirement does not apply to physicians or in cases of a declared emergency. An aggrieved employee may file a complaint with the division of licensing and regulatory services within the Department of Health and Human Services, which must notify the hospital involved. Hospitals must report all instances of mandatory overtime work to the division, which must adopt rules regarding the manner and schedule for this reporting.