



OLR RESEARCH REPORT

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PROPOSAL 13:

AN ACT CONCERNING NURSING AND MENTAL HEALTH STAFF AT CORRECTIONAL FACILITIES AND OTHER STATE-OPERATED INSTITUTIONS

By: Kevin McCarthy, Principal Analyst

You asked us to summarize Proposal 13, *AAC Nursing and Mental Health Staff at Correctional Facilities and Other State-Operated Institutions*, for the Judiciary Committee public hearing scheduled for November 27, 2007.

SUMMARY

This bill bars state agencies, with certain exceptions, from requiring nurses in state-operated institutions to work more than a predetermined shift, which must be determined and promulgated at least 48 hours before the shift starts. The bill does not define “state-operated institutions.” These provisions currently apply to registered nurses (RNs) and licensed practical nurses working in hospitals (CGS § 19a-490*l*.)

The bill requires that the Department of Public Health (DPH) commissioner, in consultation with the Board of Governors of Higher Education, establish a program by July 1, 2008 to forgive state loans provided to RN students who practice in a state-operated facility or institution after receiving their degrees.

The bill appropriates the following amounts to DPH from the General Fund for FY 09: (1) \$1.5 million for the loan forgiveness program, (2) \$250,000 for the accelerated relicensure of nurses who have left the

workforce and whose licenses have expired, and (3) \$200,000 for developing and implementing an advertising campaign to recruit nurses to work at state-operated institutions.

The bill requires the Correction commissioner to make reasonable efforts to fill any vacancies in authorized positions for employees who provide mental health services by April 15, 2008. By March 1, 2008, the commissioner must submit a report to the Judiciary Committee on the status of her efforts to fill such vacancies.

Finally, the bill requires the Correction commissioner, during FY 09, to expand the special overtime staffing pilot program to all correctional facilities.

The appropriations provisions are effective July 1, 2008 and the rest of the bill is effective upon passage.

RESTRICTIONS ON MANDATORY OVERTIME FOR STATE-EMPLOYED NURSES

The bill bars state agencies from requiring nurses in a state-operated institution to work more than a predetermined scheduled work shift, which must be determined and promulgated at least 48 hours before the shift starts. Any nurse may volunteer or agree to work more hours, but a nurse's refusal to accept additional hours cannot be grounds for discrimination, dismissal, discharge or any other penalty or employment decision adverse to the nurse.

These provisions do not apply: (1) to any nurse participating in a surgical procedure until it is completed; (2) to any nurse working in a critical care unit until she is relieved by another nurse who is commencing a scheduled work shift; (3) in a public health emergency; (4) in an institutional emergency including adverse weather conditions, catastrophe, or widespread illness, that in the opinion of the institution's administrator will significantly reduce the number of nurses available for a scheduled work shift, provided the administrator has made a good faith effort to mitigate the impact of the emergency on the availability of nurses; or (5) to any nurse who is covered by a collective bargaining agreement that contains provisions addressing the issue of mandatory overtime.

LOAN FORGIVENESS PROGRAM

Under the bill, participants in the program would have 10% of their state loans forgiven after one year of state service, 25% after two years, 45% after three years, 70% after four years, and 100% after five years. The bill requires the DPH commissioner, in consultation with the board, to adopt regulations by July 1, 2008 to administer the program. The bill requires DPH, in consultation with the Department of Higher Education, to advertise the program in a way that DPH determines will most effectively attract more people to pursue an RN degree and practice in a state-operated facility or institution.

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