

HOUSE BILL No. 1015

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-21-2; IC 16-28-2-13.

Synopsis: Health care staffing. 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. Prohibits a hospital from taking certain actions against an employee or contract worker for filing a deviation report. Prohibits a hospital, ambulatory outpatient surgical center, health facility, or residential care facility from requiring a registered nurse or licensed practical nurse to work mandatory overtime. Establishes exceptions. Prohibits a hospital, ambulatory outpatient surgical center, health facility, or residential care facility from taking certain actions against an employee who does not consent to work mandatory overtime.

Effective: July 1, 2024.

Ledbetter, Manning, Rowray

January 8, 2024, read first time and referred to Committee on Public Health.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1015

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-84, AS AMENDED BY P.L.129-2023,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 84. (a) **"Council", for purposes of**
4 **IC 16-21-2-18, has the meaning set forth in IC 16-21-2-18(a).**

5 (b) "Council", for purposes of IC 16-46-6, refers to the interagency
6 state council on black and minority health.

7 (b) (c) "Council", for purposes of IC 16-46-17, refers to the rare
8 disease advisory council.

9 SECTION 2. IC 16-18-2-214.8 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2024]: **Sec. 214.8. "Mandatory overtime",**
12 **for purposes of IC 16-21-2 and IC 16-28-2, means hours an**
13 **employee is required to work, including being on call, in excess of**
14 **the hours specified by an employee's employment agreement.**

15 SECTION 3. IC 16-21-2-18 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2024]: **Sec. 18. (a) As used in this section, "council" means a**



1 nurse staffing council established in a hospital or an entity to which
2 functions are assigned in a hospital under subsection (b).

3 (b) Each hospital shall:

4 (1) establish a council; or

5 (2) assign the functions of the council that meet the
6 requirements under this section to a similar existing entity
7 within the hospital.

8 (c) At least fifty-one percent (51%) of the members of the
9 council must be registered nurses who spend at least fifty percent
10 (50%) of work time in direct patient care.

11 (d) Each council shall do the following:

12 (1) Assist in developing an annual patient care unit and shift
13 based nurse staffing plan, with protocols for adjusting staffing
14 levels.

15 (2) Provide the nurse staffing plan to all nurses who work at
16 the hospital.

17 (3) Provide employees and contract workers of the hospital
18 the opportunity to report to the council any deviations where
19 the nurse personnel assignment in a patient care unit does not
20 comply with the adopted staffing plan.

21 (4) Meet at least quarterly to review deviation reports that
22 have been filed by employees or contract workers of the
23 hospital.

24 (e) A hospital may not take any of the following actions against
25 an employee or contract worker for filing a deviation report under
26 subsection (d):

27 (1) Dismissing the employee or contract worker from
28 employment.

29 (2) Withholding salary increases or employment related
30 benefits.

31 (3) Transferring or reassigning the employee or contract
32 worker.

33 (4) Denying a promotion that the employee or contract
34 worker otherwise would have received.

35 (5) Demoting the employee or contract worker.

36 SECTION 4. IC 16-21-2-19 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2024]: Sec. 19. (a) Beginning January 1, 2025, a hospital or
39 ambulatory outpatient surgical center must inform a current
40 employee and prospective employee of the following:

41 (1) The hours and on call requirements stated in the
42 employee's employment agreement with the hospital or



1 ambulatory outpatient surgical center.

2 (2) That the hospital or ambulatory outpatient surgical center
3 may not require the employee to work in excess of the hours
4 and on call requirements stated in the terms of the employee's
5 employment agreement without the employee's consent except
6 for reasons set forth in this section.

7 (3) The employee's protections under this section.

8 (b) A hospital or ambulatory outpatient surgical center may not
9 require a registered nurse or licensed practical nurse to work
10 mandatory overtime, except for the following:

11 (1) Voluntary work with the employee's consent documented
12 in writing.

13 (2) A declared national, state, or local disaster or catastrophic
14 event or the implementation of a hospital's or ambulatory
15 outpatient surgical center's disaster plan that will
16 substantially affect or increase the need for health care
17 services.

18 (3) Any circumstance in which patient care needs require the
19 continuation of a nurse's skills through the completion of a
20 procedure.

21 (c) A hospital or ambulatory outpatient surgical center may not
22 take any of the following actions against an employee for failing to
23 consent to work mandatory overtime:

24 (1) Dismissing the employee from employment.

25 (2) Withholding salary increases or employment related
26 benefits.

27 (3) Transferring or reassigning the employee.

28 (4) Denying a promotion that the employee otherwise would
29 have received.

30 (5) Demoting the employee.

31 SECTION 5. IC 16-28-2-13 IS ADDED TO THE INDIANA CODE
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2024]: Sec. 13. (a) Beginning January 1, 2025, a health facility or
34 residential care facility must inform a current employee and
35 prospective employee of the following:

36 (1) The hours and on call requirements stated in the
37 employee's employment agreement with the health facility or
38 residential care facility.

39 (2) That the health facility or residential care facility may not
40 require the employee to work in excess of the hours and on
41 call requirements stated in the terms of the employee's
42 employment agreement without the employee's consent except



- 1 **for reasons set forth in this section.**
- 2 **(3) The employee's protections under this section.**
- 3 **(b) A health facility or residential care facility may not require**
- 4 **a registered nurse or licensed practical nurse to work mandatory**
- 5 **overtime, except for the following:**
- 6 **(1) Voluntary work with the employee's consent documented**
- 7 **in writing.**
- 8 **(2) A declared national, state, or local disaster or catastrophic**
- 9 **event or the implementation of a health facility's or**
- 10 **residential care facility's disaster plan that will substantially**
- 11 **affect or increase the need for health care services.**
- 12 **(3) Any circumstance in which patient care needs require the**
- 13 **continuation of a nurse's skills through the completion of a**
- 14 **procedure.**
- 15 **(c) A health facility or residential care facility may not take any**
- 16 **of the following actions against an employee for failing to consent**
- 17 **to work mandatory overtime:**
- 18 **(1) Dismissing the employee from employment.**
- 19 **(2) Withholding salary increases or employment related**
- 20 **benefits.**
- 21 **(3) Transferring or reassigning the employee.**
- 22 **(4) Denying a promotion that the employee otherwise would**
- 23 **have received.**
- 24 **(5) Demoting the employee.**

