
SENATE BILL 5419

State of Washington

58th Legislature

2003 Regular Session

By Senators Deccio, Thibaudeau, Roach, Keiser, Kohl-Welles and McAuliffe

Read first time 01/24/2003. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to hours of health care facility employees of the
2 state; and amending RCW 49.28.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 49.28.130 and 2002 c 112 s 2 are each amended to read
5 as follows:

6 The definitions in this section apply throughout this section and
7 RCW 49.28.140 and 49.28.150 unless the context clearly requires
8 otherwise.

9 (1) "Employee" means a licensed practical nurse or a registered
10 nurse licensed under chapter 18.79 RCW employed by a health care
11 facility who is involved in direct patient care activities or clinical
12 services and receives an hourly wage.

13 (2) "Employer" means an individual, partnership, association,
14 corporation, state institution, political subdivision of the state, or
15 person or group of persons, acting directly or indirectly in the
16 interest of a health care facility.

17 (3) "Health care facility" means the following facilities, or any
18 part of the facility, that operates on a twenty-four hours per day,
19 seven days per week basis: Hospices licensed under chapter 70.127 RCW,

1 hospitals licensed under chapter 70.41 RCW, rural health care
2 facilities as defined in RCW 70.175.020, state hospitals as defined in
3 RCW 72.23.010, state veterans' homes as defined in RCW 72.36.035,
4 residential habilitation centers as defined in RCW 71A.20.020, and
5 psychiatric hospitals licensed under chapter 71.12 RCW, and includes
6 such facilities if owned and operated by a political subdivision or
7 instrumentality of the state. If a nursing home regulated under
8 chapter 18.51 RCW or a home health agency regulated under chapter
9 70.127 RCW is operating under the license of a health care facility,
10 the nursing home or home health agency is considered part of the health
11 care facility for the purposes of this subsection.

12 (4) "Overtime" means the hours worked in excess of an agreed upon,
13 predetermined, regularly scheduled shift within a twenty-four hour
14 period not to exceed twelve hours in a twenty-four hour period or
15 eighty hours in a consecutive fourteen-day period.

16 (5) "On-call time" means time spent by an employee who is not
17 working on the premises of the place of employment but who is
18 compensated for availability or who, as a condition of employment, has
19 agreed to be available to return to the premises of the place of
20 employment on short notice if the need arises.

21 (6) "Reasonable efforts" means that the employer, to the extent
22 reasonably possible, does all of the following but is unable to obtain
23 staffing coverage:

24 (a) Seeks individuals to volunteer to work extra time from all
25 available qualified staff who are working;

26 (b) Contacts qualified employees who have made themselves available
27 to work extra time;

28 (c) Seeks the use of per diem staff; and

29 (d) Seeks personnel from a contracted temporary agency when such
30 staffing is permitted by law or an applicable collective bargaining
31 agreement, and when the employer regularly uses a contracted temporary
32 agency.

33 (7) "Unforeseeable emergent circumstance" means (a) any unforeseen
34 declared national, state, or municipal emergency; (b) when a health
35 care facility disaster plan is activated; or (c) any unforeseen
36 disaster or other catastrophic event which substantially affects or
37 increases the need for health care services.

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