

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 331 Session of
2005

INTRODUCED BY STACK, COSTA, LAVALLE, RAFFERTY, KITCHEN, GORDNER,
WOZNIAK, RHOADES, KASUNIC AND LOGAN, MARCH 3, 2005

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 3, 2005

AN ACT

1 Providing for safe staffing standards for medical doctor
2 residents working in hospitals and for penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Medical
7 Resident and Patient Safety Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Department." The Department of Health of the Commonwealth.

13 "Hospital." Any of the following:

14 (1) An institution licensed or regulated as a hospital
15 by the Department of Health or the Department of Public
16 Welfare.

17 (2) A facility owned or operated by the Federal

Government and accredited by the Joint Commission on
Accreditation of Hospitals as a hospital.

"Resident." A medical doctor who participates in graduate
training.

Section 3. Staffing standards.

(a) Limitations.--Except as set forth in subsection (b), a
hospital that employs residents who are in an accredited program
of graduate medical education training shall establish the
following limits on working hours of residents who have
inpatient care responsibilities:

(1) The scheduled work week for a resident shall not
exceed 80 hours per week.

(2) On-call duty during night shift hours for a resident
shall not be scheduled more often than every third night.

(3) A resident shall not be scheduled for more than 24
consecutive hours in either patient care or educational
sessions.

(4) A resident shall have at least one 24-hour period of
scheduled nonworking time per week.

(5) A resident shall not be scheduled for more than 12
consecutive hours of patient care in an emergency department.

(6) A resident shall have at least eight hours of
nonworking time between work shifts.

(b) Exception.--The limits in subsection (a) shall not apply
when a state of emergency is declared and a medical facility may
reasonably be expected to provide an exceptional level of
emergency or other medical services to the community.

Section 4. Whistleblower protections.

No employer may discharge, threaten or otherwise discriminate
or retaliate against an employee regarding the employee's

1 compensation, terms, conditions, location or privileges of
2 employment because the employee or a person acting on behalf of
3 the employee makes a good faith report or is about to report,
4 verbally or in writing, to the employer or appropriate authority
5 an instance of wrongdoing under this act. A person who alleges a
6 violation of this act may bring a civil action in a court of
7 competent jurisdiction for appropriate injunctive relief or
8 damages, or both, within 180 days after the occurrence of the
9 alleged violation.

10 Section 5. Enforcement.

11 The department has the power to:

12 (1) Adopt regulations to enforce the provisions of this
13 act.

14 (2) Receive complaints.

15 (3) Investigate reported violations.

16 (4) Levy fines.

17 (5) Carry out all other duties in accordance with the
18 provisions of this act.

19 Section 6. Disclosure of violations and annual reports.

20 (a) Survey.--The department shall annually conduct an
21 anonymous survey of residents to determine compliance with this
22 act.

23 (b) Onsite investigations.--The department shall conduct
24 appropriate onsite investigations based on the surveys.

25 (c) Report.--The department shall prepare and distribute an
26 annual report to the General Assembly on compliance with this
27 act. This report will be available for public review.

28 Section 20. Penalties.

29 The department may levy an administrative fine on a hospital
30 that violates this act. The hospital will be fined \$5,000 for

1 the first offense and \$10,000 for each subsequent offense. The
2 hospital shall have the right to an adjudication pursuant to 2
3 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
4 Commonwealth agencies) with appeal to the Commonwealth Court
5 pursuant to 2 Pa.C.S. Ch. 7 (relating to judicial review).
6 Section 21. Effective date.
7 This act shall take effect in 60 days.