

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1013 Session of  
2009

INTRODUCED BY STACK, FONTANA, RAFFERTY, STOUT, WASHINGTON,  
HUGHES, LOGAN, COSTA, FARNESE AND LEACH, JULY 10, 2009

REFERRED TO PUBLIC HEALTH AND WELFARE, JULY 10, 2009

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  
18 Government and accredited by the Joint Commission on

1 Accreditation of Hospitals as a hospital.

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

4 Section 3. Staffing standards.

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

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

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

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

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

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

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

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

27 Section 4. Whistleblower protections.

28 No employer may discharge, threaten or otherwise discriminate  
29 or retaliate against an employee regarding the employee's  
30 compensation, terms, conditions, location or privileges of

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

9 Section 5. Enforcement.

10 The department has the power to:

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

13 (2) Receive complaints.

14 (3) Investigate reported violations.

15 (4) Levy fines.

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

18 Section 6. Disclosure of violations and annual reports.

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

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

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

27 Section 20. Penalties.

28 The department may levy an administrative fine on a hospital  
29 that violates this act. The hospital will be fined \$5,000 for  
30 the first offense and \$10,000 for each subsequent offense. The

1 hospital shall have the right to an adjudication pursuant to 2  
2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of  
3 Commonwealth agencies) with appeal to the Commonwealth Court  
4 pursuant to 2 Pa.C.S. Ch. 7 (relating to judicial review).

5 Section 21. Effective date.

6 This act shall take effect in 60 days.