

Article - Labor and Employment

3-421.

(A) IN THIS SECTION, "NURSE" MEANS A LICENSED PRACTICAL NURSE OR A REGISTERED NURSE AS DEFINED IN § 8-101 OF THE HEALTH OCCUPATIONS ARTICLE.

(B) EXCEPT AS PROVIDED IN ~~SUBSECTION (C)~~ SUBSECTIONS (C) AND (D) OF THIS SECTION, AN EMPLOYER MAY NOT REQUIRE A NURSE TO WORK MORE THAN THE REGULARLY SCHEDULED HOURS ACCORDING TO THE PREDETERMINED WORK SCHEDULE.

(C) A NURSE MAY BE REQUIRED TO WORK OVERTIME IF:

(1) THE WORK IS A CONSEQUENCE OF AN EMERGENCY SITUATION WHICH COULD NOT HAVE BEEN REASONABLY ANTICIPATED;

(2) THE EMERGENCY SITUATION IS NONRECURRING AND IS NOT CAUSED BY OR AGGRAVATED BY THE EMPLOYER'S INATTENTION OR LACK OF REASONABLE CONTINGENCY PLANNING;

(3) THE EMPLOYER HAS EXHAUSTED ALL GOOD FAITH, REASONABLE ATTEMPTS TO OBTAIN VOLUNTARY WORKERS DURING THE SUCCEEDING SHIFTS;

(4) THE NURSE HAS CRITICAL SKILLS AND EXPERTISE THAT ARE REQUIRED FOR THE WORK; ~~AND~~

(5) THE STANDARD OF CARE FOR A PATIENT ASSIGNMENT REQUIRES CONTINUITY OF CARE THROUGH COMPLETION OF A CASE, TREATMENT, OR PROCEDURE; AND

~~(6)~~ (6) (I) THE EMPLOYER HAS INFORMED THE NURSE OF THE BASIS FOR THE EMPLOYER'S DIRECTION; AND

(II) THAT BASIS SATISFIES THE OTHER REQUIREMENTS FOR MANDATORY OVERTIME LISTED UNDER THIS ~~ITEM~~ SUBSECTION.

(D) IN ADDITION TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, A NURSE MAY BE REQUIRED TO WORK OVERTIME IF:

(1) A CONDITION OF EMPLOYMENT INCLUDES ON-CALL ROTATION; OR

(2) THE NURSE WORKS IN COMMUNITY-BASED CARE.

~~(E)~~ (E) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A NURSE FROM VOLUNTARILY AGREEING TO WORK MORE THAN THE NUMBER OF SCHEDULED HOURS PROVIDED IN THIS SECTION.

~~(F)~~ (F) (1) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A NURSE MAY NOT BE CONSIDERED RESPONSIBLE FOR THE CARE OF A PATIENT BEYOND THE NURSE'S ~~PRESCRIBED WORK PERIOD~~ PREDETERMINED WORK SCHEDULE IF THE NURSE: