

PRACTICE QUESTION: Work Site Policies

Question:

I am reaching out on behalf of (a) Delegate.

In recent months we have been working with a constituent who is employed as a nurse. This constituent brought to our attention the very real concern of both patient and employee safety regarding breaks for nurses. In their professional opinion, it is critical that nurses, and those that work long shifts (some nurses work 12 hour shifts) should be allotted time for scheduled breaks. It is important that individuals who work in high stress environments and who are tasked with providing vital care to patients receive the needed breaks that almost all other professions receive, even if it is a mere 15-30 minutes.

Having worked on this concern for some time now, we understand that this is far from a clean cut issue. We understand the demands of this profession and how having nurses on breaks during a critical time or moment could prove harmful to the hospital patients or other staff members. This issue is complex. However, our constituent believes that not having a policy in place that allows for breaks could be just as damaging to patient and employee safety.

We are reaching out to you in hopes that you may be able to assist us in searching for a mutually beneficial resolution to this concern. Is there already something in place to address this issue in MD? If not, has it been discussed?

We look forward to hearing back from you soon and hope that we can work together to better understand this issue.

Response:

Thank you for contacting the Maryland Board of Nursing with a question about the board's role in employer policies, specifically whether we already have regulations in place mandating employee breaks in an acute care setting or plan to consider this in future. Please be aware that our consultation is limited to directing customers to applicable statutes, regulations, and possibly other evidence-based guidelines. Members of the board staff do not provide practice or delegation opinions, nor do we speak to employer policies.

We are currently rebuilding our website to provide a sampling of frequently asked questions and I have copied and pasted one below that is similar to your question:

Question: Employer Policies *I work at a facility that mandates to fill holes in schedule; is this legal?*

Response: *Thank you for contacting the Maryland Board of Nursing with a question about scheduling work hours and your employer's scheduling practices. The mission of the MBON is to advance safe quality care in Maryland through licensure, certification, education and accountability for public protection. We exist to protect the public and draw our authority to do so from the Nurse Practice Act and Regulations. Nothing in the NPA and Regs addresses scheduling practices, employer-employee relations, or workers' rights. While you may look to employment laws and your agency's HR dept for guidance, I encourage you to engage your supervisors and nursing leadership in a meaningful discussion around patient safety outcomes to advance your concerns.*

In this case, you are wondering if the MBON could support nurse employees in seeking some kind of mandatory breaks. You wrote, "...our constituent believes that not having a policy in place that allows for breaks could be just as damaging to patient and employee safety. We are reaching out to you in hopes that you may be able to assist us in searching for a mutually beneficial resolution to this concern. Is there already something in place to address this issue in MD? If not, has it been discussed?"

The response from the copied FAQ above stands in this case. The Board's mission is to protect the public and not to advocate for the profession. The American Nurses Association, which does advocate for nurses, has published many position statements on nurse safety in the workplace. Both federal and state employment laws address meal breaks. If your constituent wishes to draw on those professional and legal statements for evidence to support a position, he or she certainly may do so.

However, I strongly emphasize the final sentence in the paragraph above: *I encourage you to engage your supervisors and nursing leadership in a meaningful discussion around patient safety outcomes to advance your concerns.*

You might also point the constituent to look at California where nursing work-site regulations were legislated in an attempt to force employer policies; suggest they research what the actual outcomes for nurses and patient safety ended up to be in a state that chose the regulatory route to deal with professional issues. At this time, the MBON has no plans to adopt regulations in the area of employee policies for meal/rest/work cycles for nurse.

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