What Can I Do if I Have Questions About This New Law?

WSHA is committed to supporting hospitals as they comply with the new law. You can connect with us to ask questions. We are also interested in hearing about challenges in implementation or opportunities that you see with this new law.

You can contact us at: HospitalStaffingLaws@wsha.org

We have also created resources for hospitals to help implement this new law, available at www.wsha.org/hospital-staffing.

For More Information

You can read the full law here: https://tinyurl.com/yyza896h

If you have questions about the information in this pamphlet or about the law, contact us at HospitalStaffingLaws@wsha.org.

About the Washington State Hospital Association

The Washington State Hospital Association is a non-profit, non-governmental organization dedicated to helping hospitals achieve their missions. WSHA works with hospitals to help ensure patient access to high-quality health care across all our state’s communities.
What is the New Law?

This new ininterrupted break and on-call law was passed by the Washington state legislature at the request of the Washington State Nurses Association, SEIU 1199NW, and UFCW 21.

The law includes several important changes:
- Uninterrupted breaks for nurses and certain technicians and technologists are required, with limited exceptions.
- Rest breaks must be scheduled.
- Prescheduled on-call can only be required in certain circumstances.
- Employees covered under the law who accept overtime that results in more than twelve consecutive hours of work must be offered at least eight hours of uninterrupted rest between shifts.

While many of the new requirements of the law sound appealing for nurses and other covered staff, the law is quite inflexible. Hospitals advocated for changes to the law that would have protected the professional autonomy of nurses, technicians and technologists. Most of these changes were not included in the final law.

The law goes into effect for RNs and LPNs in most hospitals on January 1, 2020. Changes to overtime and on-call go in effect for techs on July 1, 2020. Some smaller hospitals have until July 1, 2021 to implement the new law.

Who Does This Impact?
The new law includes nurses (RNs and LPNs), certified nursing assistants, surgical techs, radiologic techs, cardio invasive specialists, and respiratory care practitioners working in hospitals or facilities under a hospital license, as long as they receive an hourly wage and provide direct patient care. However, your hospital’s policies may include more members of the care team.

Breaks Must Be Scheduled
Each hospital may choose to schedule rest breaks differently, but the law states that rest breaks “must be scheduled” during each work period in which the rest break is owed. To guarantee that all staff get their breaks, in many cases it will not be possible to delay or change when you receive your rest or meal break. That means in many cases, impacted staff will no longer have the flexibility to take a break when it works best for them. The law does not require staff to be assigned specifically to provide break relief.

Breaks Must Be Taken — Professional Autonomy is Limited
The law does not allow nurses and many technicians and technologists to exercise their clinical judgment to step away during a break to take care of a patient, unless the situation meets specific exception criteria that would have a serious adverse effect on the patient’s condition (see “Narrow Exceptions to the Break Requirement”).

For example, deciding to return to work if a patient’s family member arrives or if your patient’s doctor is doing rounds likely will NOT be reasons to interrupt a break and return to work.

Narrow Exceptions to the Break Requirement
Staff MUST take each rest break and cannot voluntarily choose to “miss” a break unless it meets specific exception criteria.

Exceptions include:
- An unforeseen emergency — like an earthquake or fire;
- When a hospital’s disaster plan is activated;
- A clinical circumstance that could lead to patient harm without the knowledge, skill or ability of the employee on break; or
- Unforeseen or unavoidable events where immediate action is needed to prevent serious patient harm.

Staff Cannot Waive Their Right for a Rest Break
As was true prior to the new law taking effect, staff cannot waive their rest breaks. Depending on your hospital’s policies, staff may still be able to waive a second meal period.

If your rest break is interrupted before the first ten full minutes, you must be given an additional rest break. This will not count as a missed break.

Changes to On-Call Shifts
The new law bars hospitals from using mandatory prescheduled on-call to address the normal patterns of patient need or to fill shifts for expected employee absences. On-call can still be required to ensure staff are available for unpredictable patient needs or unexpected staff absences.