

shifts and forgo days off causes nurses to frequently provide care in a state of fatigue, contributing to medical errors and other consequences that compromise patient safety. In addition to endangering patients, studies also point to overtime issues as a prime contributing factor to our nation's nursing shortage. For example, a 2001 report by the General Accounting Office, *Nursing Workforce: Emerging Nurse Shortages Due to Multiple Factors*, concluded:

[T]he current high levels of job dissatisfaction among nurses may also play a crucial role in determining the extent of current and future nurse shortages. Efforts undertaken to improve the workplace environment may both reduce the likelihood of nurses leaving the field and encourage more young people to enter the nursing profession . . .

We have the voices of nurses and the research evidence to prove that the practice of requiring nurses to work beyond the point they believe is safe is jeopardizing the quality of care patients receive. It is also contributing to the growing nurse shortage. Current projections are that the nurse workforce in 2020 will have fallen 20 percent below the level necessary to meet demand.

We have existing federal government standards that limit the hours that pilots, flight attendants, truck drivers, railroad engineers and other professions can safely work before consumer safety is endangered. However, no similar limitation currently exists for our nation's nurses who are caring for us at often the most vulnerable times in our lives.

The Safe Nursing and Patient Care Act would change that. It would set strict, new federal limits on the ability of health facilities to require mandatory overtime from nurses. Nurses would be allowed to continue to volunteer for overtime if and when they feel they can continue to provide safe, quality care. But, forced mandatory overtime would only be allowed when an official state of emergency was declared by federal, state or local government. These limits would be part of Medicare's provider agreements. They would not apply to nursing homes since alternative staffing and quality measures are already moving forward for those facilities.

To assure compliance, the bill provides HHS with the authority to investigate complaints from nurses about violations. It also grants HHS the power to issue civil monetary penalties of up to \$10,000 for violations of the act and to increase those fines for patterns of violations.

Providers would be required to post notices explaining these new rights and to post nurse schedules in prominent workplace locations. Nurses would also obtain anti-discrimination protections against employers who continued to force work hours for nurses beyond what a nurse believes is safe for quality care. Providers found to have violated the law would be posted on Medicare's website.

Often the states are ahead of the federal government when it comes to pinpointing problems that need to be addressed. It is worth noting that many states are considering such laws to strictly limit the use of mandatory nurse overtime. Several states—including California, Connecticut, Maine, Maryland, Minnesota, New Jersey, Oregon, Washington and West Virginia—have already passed laws or regulations limiting the practice.

This bill is an important first step, but it isn't the complete solution. I believe that standards

must be developed to define timeframes for safe nursing care within the wide variety of health settings (whether such overtime is mandatory or voluntary). That is why the legislation also requires the Agency on Healthcare Research and Quality to report back to Congress with recommendations for developing overall standards to protect patient safety in nursing care. Once we have better data in that regard, I will support broader limitations on all types of overtime. But, we must not wait to act until that data can be developed. The data collection will take years and the crisis of mandatory overtime is upon us now.

I know that our nations hospital trade associations will claim that my solution misses the mark because it is precisely the lack of nurses in the profession today that is necessitating their need to require mandatory overtime. Let me respond directly. Mandatory overtime is dangerous for patients plain and simple. It is also a driving force for nurses leaving the profession. These twin realities make mandatory overtime a dangerous short-term gamble at best. We should join together to end the practice.

Mandatory overtime is a very real problem facing the nursing profession and that is why our bill is endorsed by the American Nurses Association, the AFL-CIO, AFSCME, AFT, SEIU, AFGE, UAW, UAN, and UFCW—organizations that speak for America's nearly 3 million nurses.

Again, our bill is not the sole solution. I supported the Nurse Reinvestment Act, which was passed by Congress and signed into law in August 2002. That legislation authorizes new federal investment and initiatives to increase the number of people pursuing a nursing education. Such efforts will help in the future, but it will be years before that law's impact is felt in our medical system. And, it will take even longer if the President and Republicans in Congress continue to withhold the funding necessary for the act to be fully implemented.

We need to help now. We must take steps to improve the nursing profession immediately so that today's nurses will remain in the field to care for those of us who need such care before new nurses can be trained. We also need today's nurses to be there as mentors for the nurses of tomorrow.

Mandatory nurse overtime is a very real quality of care issue for our health system and I look forward to working with my colleagues enact the Safe Nursing and Patient Care Act. It will start us down the right path toward protecting patients and encouraging people to remain in—and enter—the nursing profession.

HONORING THE LIFE AND ACCOMPLISHMENTS OF THE LATE OSSIE DAVIS

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. BACA. Mr. Speaker, I rise today to pay my respects to a great civil rights pioneer; a man who provided vital social and political commentary on our nation at a time when it was unwelcome to do so. Above all Ossie Davis was an activist for social equality. He

believed vigorously in the tenets on which our nation was founded: freedom, justice, and that all men are indeed created equal.

Ossie Davis passed away last year at the age of 87. With his passing our nation lost not only a leader of the civil rights movement but also one of the preeminent playwrights, authors and actors of the African American community.

Over his 50 years in the entertainment business, Ossie Davis wrote various plays, television shoves and movies, shedding necessary light on the challenges facing the African American community and race relations in the United States.

He was a champion for the disenfranchised, providing a voice for those who could not speak out and inspiration for those seeking a better life. Ossie's theatrical achievements and unabashed commentary on the civil rights movement led to him receiving the Silver Circle Award from the Academy of the Television Arts and Sciences in 1994, the National Medal of Arts in 1995, and the Lifetime Achievement Award from the Screen Actor's Guild in 2000. He was also honored by the Kennedy Center in 2004.

Through his proactive participation in the entertainment industry, Ossie Davis exhibited a deep resolve to highlighting the struggle for equality in the African American community and, in so doing, changed the direction of our nation.

I commend Congressman CONYERS on awarding Ossie Davis this well-deserved medal. His contributions to the African American community and our entire nation should not go overlooked.

HONORING THE RETIREMENT OF SUFFOLK COUNTY COMMISSIONER OF FIRE, RESCUE AND EMERGENCY SERVICES ON JANUARY 8, 2005

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to honor Suffolk County Commissioner of Fire, Rescue and Emergency Services David H. Fischler. Suffolk County has been the beneficiary of Commissioner Fischler's remarkable skill, his dedication to public service and his tremendous leadership all displayed over a distinguished 28-year career devoted to the people of Suffolk County. On January 8, 2005, Commissioner Fischler retired completing a final ten-year tenure as Commissioner. His service will not soon be forgotten; his shoes will not soon be filled; but his legacy of excellence and service will forever last within the Suffolk Fire, Rescue and Emergency Services community.

Commissioner Fischler began his fire service career as a volunteer firefighter with the St. James (NY) Fire Department, where he later served as an Assistant Chief and Chief-of-Department for 8 years. While still serving the St. James Fire Department in a volunteer capacity, Commissioner Fischler began his leadership in the Suffolk County, a county with 1.4 million residents and approximately 12,500 providers in 136 fire and EMS agencies. Commissioner Fischler first served as the county's