Mandatory Meals and Rest Periods for Texas Registered Nurses and Allied Health Professionals: A Brief on The Intersection of Research and Ethics

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Abstract: Despite working in a mentally and physically challenging environment, no protection is defined in state or federal laws to mandate nutrition and rest periods for nurses and allied health professionals. This ethical dilemma puts nurses' health and patients' safety in jeopardy. If the nurse takes a break, it might prevent continuous, uninterrupted patient care. However, if the nurse does not take a break, she jeopardizes her health and the patient's safety. Similarly, allied health professionals have experienced the same conundrum. This brief will discuss research that supports mandatory nutrition and rest periods for Texas nurses and other healthcare workers to promote safety and wellness for themselves and their patients.

Introduction

Break laws are dependent on the individual state. In the United States (U.S.), 21 states and two territories defined the minimum length of the meal period, and nine states defined the minimum rest period for adult employees (U.S. Department of Labor [USDOL], 2023a & 2023b). However, no Texas labor laws exist on meals and rest periods for adults and minors. Hence, there is no required number or specified length of breaks for Texas Registered Nurses (RNs) who work long shifts, notably for 12-hour shifts or longer. With extended shifts without breaks, nurses experience physical and psychological issues that harm themselves, patients, families, employers, and the community (The National Institute for Occupational Safety and Health [NIOSH], 2020). As the third leading cause of death (Makary & Daniel, 2016), the economic impact of medical errors costs nearly $1 trillion annually using quality-adjusted life years, with preventable-medical-error-deaths being ten times the Institute of Medicine's statistics of 98,000 deaths annually in 1998 (Andel et al., 2012). The current reality represents a dilemma in ethics for nurses and patients in Texas. Consequently, Texas laws must explicitly define the minimum length and frequency of breaks during shift work for Texas Registered Nurses (R.N.s), protecting vulnerable patients' lives and providing Texas nurses and allied health professionals with much-needed breaks!

Personal Experience

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During my nursing career, I lost a patient once during a 12-turning 17-hour shift due to an unexpected surgical complication after prolonged cardiopulmonary resuscitation. With no break or relief, cough drops were my rescue to suppress hunger and thirst for nine consecutive hours. I was physically and emotionally exhausted. Internally, for my comfort, I interpreted the unusual water vapor patterns on my living room window as a farewell message from my late patient when I arrived home that night. While nursing has been my passion, my energy is depleted after those shifts. Although innumerable shifts without breaks and meals are typical throughout my career, I wonder about the future long-term consequences of the long work shifts without breaks on my physical and psychological health as well as my family's. In my experience, I have witnessed some, but countless untold tales from nurses and other healthcare workers were only shared privately with frustration and hopelessness in the locker rooms. Therefore, this brief on the intersection of research and ethics will elaborate on the lack of legal breaks and consequences, the driving factors for the changes, and the proposed strategy to resolve this long-overdue situation.

Literature Review

Lack of Lawful Breaks and Consequences
Despite their demanding roles in continuous and urgent patient care, including life and death circumstances on top of workplace violence, nurses have no legislative support in their requests for restorative breaks (Texas Health and Human Services [THHS], 2022). Subpar institutional policies, insufficient refreshing break areas in healthcare facilities, heavy workloads, unorganized workflows, and inadequate staffing are barriers to proper breaks (Nejati et al., 2016). In addition, the lack of state and federal regulations leaves the option to provide meals and rest periods at the discretion of individual employers. Federal laws dictate that meal breaks over 30 minutes need not be compensated, while rest periods under 20 minutes are paid (USDOL, 2023c). Additionally, disappointment in employers' policies, lack of political knowledge on labor rights, and lack of time and licit support hinder nurses' participation in health policy change (Safari et al., 2020). Due to fear of retaliation, dismissal, and punitive actions for speaking-up behaviors, nurses are hesitant to engage in whistleblowing about their working conditions (Mitchell, 2020).

Research shows that the lack of breaks caused increased occupational fatigue, poor dietary practices, self-injuries, medical errors, burnout, absenteeism, turnover, strikes, lawsuits, and deteriorated inter-professional and interpersonal relationships (Brown et al., 2018; Kelly et al., 2021). Similarly, a decrease in job satisfaction, overall health, performance, and resiliency has been noted (Horton Dias & Dawson, 2020; Nejati et al., 2016; Rutledge et al., 2022). These negative impacts on nurses, patients, the medical community, and healthcare institutions are likely to contribute to the current global emergency of nursing shortage. Inevitably, the image of overworked and injured nurses drastically reduces the profession's attractiveness to the younger generation and the public, which in turn further worsens the supply of R.N.s in Texas, with the shortage projection of a 57,012 RN deficit in 2032 (THHS, 2020).

The Driving Factors

Research shows that a supportive work environment for microbreaks decreases end-of-day fatigue and increases work engagement (Kim et al., 2022). On the other hand, the Tork survey of 1,600 North Americans shows that frequent and extended lunch breaks increased job satisfaction, retention, and recommendations of their companies (KRC Research, 2018). Despite break benefits, numerous Texas healthcare organizations have refused to compensate their nurses and allied healthcare workers for working through lunch breaks (see Appendix E). This negligence resulted in multiple lawsuits, as described by The Law Firm of Josh Borsellino, 2019 (Sixel, 2016a & 2016b). The risks associated with long work hours are decreased brain function, diminished job performance, increased medical errors, and short- and long-term health risks (NIOSH, 2020). Preventable harms of medical errors were the third leading cause of death (Makary & Daniel, 2016)., resulting in $19.5 billion of direct costs in 2008 in the U.S. (Andel et al., 2012). Their economic impact was estimated to be $1 trillion annually when quality-adjusted life years were applied. The patients shouldered $83 billion in indirect costs plus more than 70% of medical expenses associated with injuries and negligence through medical billings and malpractice claims (Bernazzani, 2015).

Furthermore, the workforce shortage delayed patient discharges and exacerbated hospital expenses ($135 billion) on top of the climbing labor costs ($86 billion) (American Hospital Association, 2022). The average annual cost of R.N. turnover is approximately $8.55 million, with an average hospital loss of $6.6-10.5 million in 2023. With an expected increase of 13.5% turnover, the hospital will have to spend more than $3 million for every 20 travel R.N.s hired for temporary replacements. However, a 1% reduction in R.N. turnover will save $400,000 annually (Nursing Solutions [NSI], 2023). So, what are the potential effective methods to combat these negative rates in human life and healthcare costs? One of the best solutions is enforcing Texas Fair Labor Laws that specify mandatory breaks for nurses and other allied healthcare providers.

The Strategic Solution
The following conditions are proposed to establish Texas Fair Labor (TFL) Laws for meals and rest periods for registered nurses and allies, addressing the current tragedy in Texas.

> 1) Shiftwork equal to or greater than 7.5 continuous hours daily requires a minimum of a 30-minute uninterrupted meal.
>
> 2) A second uninterrupted meal of at least 30 minutes is required for shiftwork equal to or greater than 11.5 continuous hours daily.
>
> 3) A net 15-consecutive-minute rest period is required for every four hours worked.

Finally, all parties must have a formal written agreement with specific details (see Appendix A). The proposed laws will ideally take the joined efforts between the three primary organizations, the Texas Workforce Commission (TWC), Texas Board of Nursing (TBON), Texas Nurses Association (TNA), and 26 other organizations to reduce the nursing shortage and advocate for R.N. break benefits (see Appendix C). The TBON will be granted the

authority to support, monitor, enforce, and promote TFL law compliance in collaboration with other organizations.

In contrast to the current expenses for R.N. turnovers and hiring travel R.N.s for temporary coverage, the expenditure to cover nurses' breaks is minimal. Appendix B presents a detailed explanation of the cost. In brief, the proposed breaks will cost an average of $4.3 and $5.74 per patient daily for an 8-hour and 12-hour shift, respectively. In organizations with already scheduled breaks, adequate breaks for R.N.s to ensure optimal quality of care will only cost $2 or less per patient daily.

Benefits of the proposed Texas Fair Labor Law
With these proposed TFL laws, stakeholders can anticipate a sense of triumph and relief in various aspects of finance and wellness. Texas R.N.s and allies will achieve overall well-being with protected labor rights. The patients will get better access to a higher quality of care with the improvement of the nursing workforce. Plus, the patients can prospectively avoid the absorbed costs from medical billings and the indirect cost of hospital expenses. With higher nursing productivity, enhanced teamwork will reduce stress and increase job satisfaction for other allied healthcare professionals. The R.N.'s referrals and high regard for their healthcare institutions will facilitate workforce recruitment and potentially reduce hiring expenses. In addition, retention of current R.N.s will lessen the costs of turnover and travel staff employment while scoring higher on patient satisfaction with the safe nurse-patient ratio and skilled nursing staff familiar with the units' protocols. Ultimately, the Texas healthcare industry will have a brighter future with reduced medical costs due to preventable errors and labor shortages.

Conclusion

This brief proposes a bill for mandatory meals and rest periods for Texas R.N.s and allies. This bill will increase patients' safety and retain valued healthcare workers who provide outstanding care to our Texas community. The bill's passage will help protect the lives of vulnerable Texas patients and promote nurses' and allies' resiliency, especially during the aftermath of the COVID-19 pandemic. This brief intends to raise public awareness in hopes that the Texas legislature will pass Texas Fair Labor Laws to protect nurses and other healthcare workers and grant them their rightful breaks! Meals and rest periods are this most trusted profession's overdue fundamental rights to survive (Gallup, 2023). We need to preserve our essential workers so that the health and safety of Texas citizens can be ensured during daily life and sudden catastrophic events and epidemics.

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