

## SECTION TWO – HOUSE STAFF

**POLICY NO: 5.4**

**SUBJECT: MAGGIE’S LAW**

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### **I. PURPOSE**

To establish guidelines for house staff adherence to “Maggie’s Law”; which refers to death by auto or vessel, N.J.S.2C:11-5. Criminal homicide constitutes vehicular homicide when it is caused by driving a vehicle or vessel recklessly. (For the purposes of this section, driving a vehicle or vessel while knowingly fatigued shall constitute recklessness. “Fatigued” as used in this section, means having been without sleep for a period in excess of 24 consecutive hours). Proof that the defendant fell asleep while driving or was driving after having been without sleep for a period in excess of 24 consecutive hours (shall) may give rise to an inference that the defendant was driving recklessly.” Vehicular homicide is a crime of the second degree. This policy applies to all postgraduate medical education programs and individual housestaff members.

### **II. RESPONSIBILITIES/REQUIREMENTS**

- A. House staff and Residency Program Directors should be aware of the potential problems that could possibly result from driving a vehicle after having been without sleep for a period in excess of 24 consecutive hours.
- B. Housestaff who have been without sleep for a period in excess of 24 consecutive hours must, before driving, take at least one of the following actions:
  - 1. Sleep for a period of time sufficient to feel rested before driving
  - 2. Arrange to be driven to their home/place of residence or an alternate site
  - 3. Take public transportation to their home/place of residence or an alternate site.
- C. Clinical sites have the responsibility to ensure that a place conducive to sleep is available to residents at the end of any shift of 24 or more consecutive hours.
- D. The Program Director shall inform all residents of the potential impact of sleep deprivation and fatigue on performance and the provisions of Maggie’s Law. The Program Director must also ensure that any site at which a resident may work 24 hours or more has a space available that is conducive to sleep.
- E. Oversight:
  - 1. Each Residency Program must have written policies and procedures consistent with Maggie’s Law. These policies must be distributed to the residents and faculty and also be kept on file in the Office of Medical Education. The Program, Program Director and the faculty must monitor compliance with this policy.
  - 2. The Office of Medical Education will oversee that programs comply with this policy.