



September 23, 2020

Ohio Senate Transportation, Commerce & Workforce Committee
Chairman McColley
1 Capitol Square
Columbus, Ohio 43215

RE: HB 144- Prohibit overtime work for nurses as a condition of employment

Good afternoon Chairman McColley, Vice Chair Johnson, Ranking Member Antonio, and Members of the Senate Transportation, Commerce & Workforce Committee. Thank you for allowing me to write in support of House Bill 144.

My name is Baylee Stiers and I have been a registered nurse for eight years, and have been forced to work unsafe overtime for every single one of those eight years.

I work at a major central Ohio medical center. As a staff leader, I have a unique view of the medical center's operations and the struggles our nurses face on a daily basis.

I want to begin by emphasizing that House Bill 144 is **not** about emergency situations, a sudden influx of patients, or a natural disaster. It's **not** about worrying if there will be enough nurses to care for patients during these situations.

Rather, House Bill 144 is about using the dangerous, and frankly unfair, practice of nurse mandatory overtime as a **regular staffing tool**. This is happening across Ohio, including at the major medical center at which I work. I have been victim time and time again of this dangerous practice.

At our facility, we are given a month-long schedule. This schedule always includes holes, or gaps, in the amount of nurses needed on a particular unit during a given shift. Some nurses volunteer to fill these gaps, but there are also many times where those obvious gaps remain within the schedule for weeks at a time.

So not only do managers knowingly create a schedule that includes short staffing, but those gaps remain apparent for weeks. And instead of staffing a unit appropriately from the beginning, or using contingent nurses to fill the gaps, nurses are consistently and increasingly mandated the day of to work an extended shift. **This is just not safe.**

Mandating has affected both my work and home life. I work in the Neonatal Intensive Care Unit (NICU) where my coworkers and I regularly experience mandatory overtime because of the aforementioned scheduling gaps. When we are mandated to work, we are **forced** to stay past our 12-hour shift, turning our already exhausting days into an even more exhausting 16-hour work day.

My regular shift is 7pm to 7am, and when I am mandated, I am forced to stay until 11:30am.

Let me tell you, there is nothing worse than telling a parent of an acutely ill infant patient that you are being forced to stay past exhaustion. There is nothing worse than seeing even the slightest doubt on their faces as you tirelessly take care of their infant that weighs 400 grams. These parents have been through



hell and back in my NICU and it hurts my heart when I see the look of disappointment on their faces when they know how long I have been working against my will. I don't even have to tell these parents; they know. They leave their infant at 8pm and kiss them goodnight only to come back at 10am to see me still continuing to take care of their sick infant. Often, the parents will buy us food because they feel bad for us- or is it because they care about our well-being? Maybe they care that we are eating because we are taking care of something so precious to them and they want us to appropriately care for their newborn? **Mandating significantly affects patients and families too.**

Medical errors are the third leading cause of preventable death in this country. Studies show that nurses who work more than 12.5 hour shifts are at triple the risk for of having a medical error. My NICU patients and their families deserve better. They deserve a nurse who is on top of their game to ensure their precious infant is receiving the best care possible.

I have seen many nurses reprimanded for putting their foot down and refusing mandated overtime because they simply are too tired to continue work. I have seen nurses lose privileges on their units from refusing mandation. I have seen nurses that have been demoted for refusing mandation. I have seen nurses cry in hiding because they are tired and won't be able to tuck in their babies at night once again. **This has got to stop.**

Patient safety, care, outcomes and the overall patient experience is enhanced when nurses are at their best. In order for nurses to be at their best, we must mitigate the risk of nurse fatigue and poor nurse staff planning. Therefore, Ohio should join 18 other states in making it illegal for nurses to be coerced into working mandatory overtime. As I previously alluded to, HB 144 would still allow nurses to work as much overtime as they would like to accept. The difference is that the bill would importantly allow nurses to make the professional decision as to whether he or she is able to continue to provide safe care. Furthermore, it mitigates the ripple effect of subsequent problems caused by being forced to work overtime unexpectedly. For example, childcare is expensive and difficult to find, but it's even more difficult and costly to find with only a few hours' notice.

Moreover, HB 144 will hold hospitals accountable for proper nurse staff planning. Currently, nurses are threatened with insubordination or licensure sanctions if they express concerns about or refuse to work overtime. Enacting a law prohibiting mandatory overtime provides some legal protection for nurses threatened with those sanctions.

As noted in the May 2019 performance audit by State Auditor Faber, mandatory overtime is real and it leads to decreased morale, causes nursing fatigue that puts patients at a higher risk for experiencing a medical mistake, and is not fiscally responsible. Avoiding the need for mandatory overtime can be accomplished by better long-term staff planning and recognizing sick leave and vacation patterns. Enacting HB 144 is also one of State Auditor Faber's recommendations that will save money in the healthcare industry and increase patient safety.

House Bill 144 is about addressing the unsafe staffing practices that are happening every day across Ohio. It's about the exhausted nurses and their patients and families who see us working for hours on end. They feel sorry for us, but most of all, they wonder if they are receiving the best care.



So when nurses refuse a mandatory overtime situation, it's not insubordination. It's not patient abandonment. It's because they cannot safely care for their patients – a responsibility that is a foundational tenant in our ethical covenant upon entering this profession.

On behalf of nurses across Ohio, I plead for your support of House Bill 144. We must eliminate mandatory overtime as a scheduling crutch for Ohio's hospitals.

Thank you for your consideration.

Sincerely,

Baylee Stiers, RN