



**State Representative Robert Cole Sprague
83rd House District**

Sponsor Testimony
House Bill 456
House Health Committee
January 31, 2018

Chair Huffman, Vice Chair Gavarone, Ranking Member Antonio, and members of the House Health Committee:

Thank you for giving me the opportunity to offer sponsor testimony on House Bill 456. I introduced House Bill 456 to address issues that arise when nurses are compelled to work unscheduled overtime, which can result in negative health consequences for patients and nurses. As we continue to look for ways to ensure that healthcare delivery occurs in a safe and effective manner, if passed, House Bill 456 will play a role in improving patient health and reducing the prevalence of medical accidents.

There have been reports from the nursing industry of employers threatening disciplinary action, including termination or reporting patient abandonment, if nurses do not work unscheduled overtime. Patient abandonment can be a reason used by a professional licensing board to take action on a license, including revocation. An example of a possible scenario would be a situation in which a nurse completes a 12-hour shift and feels compelled, due to negative professional consequences, to not decline overtime and stay for unscheduled overtime work.

If signed into law, House Bill 456 will prohibit a hospital, as a condition of continued employment, from requiring a registered nurse or licensed practical nurse to work in excess of an agreed upon and predetermined workweek. In addition to prohibiting hospitals from terminating employment or proposing to terminate employment, the bill prohibits these employers from taking or threatening disciplinary or retaliatory action solely because a nurse chooses to decline unscheduled overtime.

One major objection to these policy changes is a concern regarding emergency and unforeseen events, which may result in inadequate staffing levels. House Bill 456's language recognizes that

these moments may arise. Under the bill, hospitals will still possess the authority to adequately address certain scenarios. Specifically, hospitals will have the ability to schedule overtime during:

- health care disasters that unexpectedly affect the county or a contiguous county where the hospital is located;
- declarations of emergency;
- prudently unanticipated emergencies, unforeseen events, or influxes of patients that result in care needs beyond reasonable predictable levels and increased needs in personnel to ensure safe patient care; and
- during situations in which a nurse is actively engaged in an ongoing medical or surgical procedure.

House Bill 456, outside of the exempted situations, allows nurses to choose whether they are fit, physically and mentally, to work unscheduled overtime. In addition, nothing in the bill prevents a hospital from offering unscheduled overtime. The overall intention of the bill is to improve patient safety, especially during standard day-to-day operations at hospitals.

According to various studies, excess work and overtime can result in negative health outcomes for patients. In addition, non-overtime nurse staffing has shown to result in improved patient health outcomes. The passage of House Bill 456 ensures that proper staffing policies are in place to protect the health of patients and nurses. Overworked and tired nurses cannot always offer an acceptable or safe level of patient care, and nurses should not have their career threatened when they decline unscheduled overtime. Over a third of other states have similar laws in place, and it is my hope, for the safety of our patients, that Ohio will follow suit.

As I conclude my testimony, I want to thank the Ohio Hospital Association and Ohio Nurses Association for their continued work on the language. It is my hope that we can continue to work through outstanding issues. There is a need to implement these policies, which will result in better health outcomes for Ohioans.

Thank you for your time and consideration. I am happy to answer any questions.