



March 24, 2021

Ohio Nurses Association
House Commerce & Labor Committee
Proponent Testimony on HB 163

Good afternoon Chairman Stein, Vice Chair Johnson, Ranking Member Lepore-Hagan and Members of the House Commerce and Labor Committee. Thank you for allowing me to be here today to speak in support of House Bill 163.

My name is Rick Lucas and I have been a registered nurse for fifteen years, specializing in critical care. I entered nursing school right out of high school. While most of my peers were still deciding what careers to pursue, I knew that nursing was my calling.

I work at a major central Ohio medical center and serve as president of the local collective bargaining unit there, which is a union representing over 4,000 RNs at the medical center. As a staff nurse and union 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 163 is **not** about emergency situations, a sudden influx of patients, or a natural disaster. As nurses we want there to be enough staff to care for patients during these situations and House Bill 163 does not impact this.

Rather, House Bill 163 is about addressing the dangerous practice of mandatory overtime as a **regular staffing tool** in our hospitals. This is happening across Ohio, and until last July, was happening at my own organization. We were fortunate to end this dangerous practice through negotiations, which a very small portion of Ohio's hospitals and nurses are able to do. Per the contract between the medical center and our nurses, we "recognize that a nurse has an obligation and a right to decline mandatory extra hours, without fear of disciplinary recourse, if the nurse feels that fatigue will adversely impact the nurse's ability to provide safe patient care." Unfortunately, this protection doesn't extend to all of the patients and nurses in Ohio.

Prior to ending mandatory overtime at our organization, this dangerous practice affected me both professionally and personally. I work as a rapid response nurse, often encountering patients at their sickest and most vulnerable times. In these situations, I need to be at my absolute best for my patients. Recognizing subtle changes in condition, adjusting and delivering high risk medications, and collaborating with the team on an effective plan of care are all negatively impacted if I'm impaired due to fatigue. In addition to worrying about my patients I have to worry



about my family. Scrambling last minute to ensure my children are taken care of or that I'll make a career ending mistake and not be able to provide for them. It's terrifying.

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 workday. My regular shift is 7am to 7pm, and when I am mandated, I am forced to stay until 11:30pm. Often leaving only 3-4 hours to rest before coming back the next day, feeling physically ill and exhausted.

Let me tell you, feeling ill and exhausted is awful, but there is nothing worse than telling patient or their family 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 critical needs. There's nothing worse than waking up in a panic worried you forgot a critical detail or made a mistake that could hurt a patient. There is nothing worse than feeling like the care you are providing is unsafe and you could hurt someone or even cause their death. Nurses are committed to patient safety, are the last line of defense, and are the definitive patient advocate. We're not OK with what seems like playing Russian Roulette with our patients' lives!

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 of making a medical error. All Ohio patients and families deserve better. They deserve a nurse who is on top of their game to ensure patients are 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 mandatory overtime. I have seen nurses that have been demoted for refusing mandatory overtime. 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. 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 163 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 163 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 163 is also one of State Auditor Faber's recommendations in this audit that will save money in the healthcare industry and increase patient safety.

House Bill 163 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 63. We must eliminate mandatory overtime as a scheduling crutch for Ohio's hospitals.

Thank you for allowing me to testify and I would be happy to answer any questions you may have.