

Chairman Huffman, Vice Chair Johnson, Ranking Member Antonio, and members of the Senate Health Committee, thank you for the opportunity to present written proponent testimony for SB 126 on behalf of the Ohio State Association of Nurse Anesthetists and its over 2,600 members.

SB 126 limits noncompete provisions in employment agreements for physicians, physician assistants, and advanced practice registered nurses (APRNs) working for nonprofit hospitals. This limitation would be monumental for Certified Registered Nurse Anesthetists (CRNAs) in Ohio who should be able to work with a range of hospitals in order to provide the best patient access to care possible. CRNAs are the predominant anesthesia provider in rural Ohio, and it is vital that CRNAs are not restricted by non-competes that would prevent them from working within their geographic location and treating the largest number of patients possible.

Non-compete clauses, otherwise known as restrictive covenants, have become widely utilized in the healthcare industry. However, they are detrimental for the healthcare workforce and for patients. CRNAs are vital parts of the hospital system because they provide anesthesia care for a wide range of patient procedures and services, especially in rural areas of the state. Broad non-compete agreements curtail the ability for CRNAs to provide services at any hospitals in their area that may need anesthesia services. This reduces the amount of anesthesia providers available in a certain area and threatens the ability for hospitals to treat patients in need.

Additionally, non-competes are traditionally used to protect the assets of an employer, such as client lists or trade secrets. These protections are not needed for CRNA contracts with hospitals. CRNAs do not have their own “book of patients,” instead they provide care on an as needed basis to any hospital patient. CRNAs do not take patients with them from one hospital to another. Additionally, there are no trade secrets to protect. CRNAs work within the scope of their own licenses and do not utilize information that could be considered a trade secret for any hospital. OSANA supports SB 126 because it helps to eliminate an unnecessary restraint on the ability for CRNAs to work in Ohio and an unnecessary hurdle for patient access to care.

For the reasons described above, the Ohio State Association Nurse Anesthetists (OSANA) asks that you support SB 126.

Charles Tabbert, MSN, CRNA

President, Ohio State Association of Nurse Anesthetists

4887-8458-3045, v. 1