A Union of Nurses & Health Professionals

Affiliated with AFL-CIO

Interested Party Testimony
House Health Committee
HB 440 – Board of Nursing Background Checks
September 24, 2025

Chair Schmidt, Vice Chair Deeter, Ranking Member Somani, and members of the House Health Committee, thank you for the opportunity to provide testimony today. My name is **Kelli Hykes**, and I serve as the Director of Government Relations and Advocacy for the **Ohio Nurses Association (ONA)**. ONA represents thousands of nurses and health professionals across Ohio. We are here today as an **interested party** on House Bill 440.

Supporting Patient Safety and Accountability

First, ONA supports the intent of this legislation. Ensuring that only qualified and safe individuals are licensed to practice nursing is fundamental to protecting the public. Expanding background checks to new applicants, reactivations, reinstatements, and those under investigation is a tool that can help safeguard patients.

We also recognize the importance of maintaining clear disciplinary authority for the Board of Nursing to address unsafe practice, professional boundary violations, and impairment. Patient trust depends on accountability in our profession. At the same time, ONA supports the principles of a Just Culture, one that distinguishes between human error, at-risk behavior, and reckless behavior. This approach ensures accountability while encouraging learning, transparency, and system improvements that ultimately make care safer for patients and providers alike.

Ensuring Fairness and Due Process
At the same time, we urge caution in how this new authority is exercised. Nurses deserve fairness and clarity in how their past records may impact their licensure. HB 440 wisely requires the Board to follow Ohio's "fair chance" law, ORC 9.79, meaning that a criminal conviction cannot automatically bar licensure unless it has a direct nexus to nursing practice.

This balance is critical. Ohio faces a persistent nursing shortage. We cannot afford to exclude qualified individuals because of unrelated past mistakes. Licensure decisions should always be tied directly to a nurse's ability to provide safe care today.

Protecting Confidentiality

3510 Snouffer Road, Columbus, Ohio 43235
www.ohnurses.org
614-969-3800

We also strongly support the bill's confidentiality provisions. Investigations and monitoring should remain confidential unless disciplinary action is finalized. Protecting confidentiality prevents stigma, protects nurses' reputations, and encourages participation in corrective or rehabilitative programs without fear of public shaming.

Balancing Discipline and Rehabilitation
ONA believes accountability must be paired with rehabilitation. HB 440 preserves pathways like the **Safe Haven Program** and the **Practice Intervention and Improvement Program**, which allow nurses with substance use or mental health challenges to seek help and safely return to practice. These programs are essential in addressing impairment in a way that protects patients while supporting recovery.

Impact on the Nursing Workforce
We ask the committee to remain mindful of potential workforce impacts. Requiring background checks for reactivations or reinstatements after many years could unintentionally discourage experienced or retired nurses from returning at a time when Ohio hospitals are desperately in need of experienced nurses to return to the bedside. As a reminder, Ohio doesn't have a nursing shortage, we have a shortage of nurses and health professionals willing to work in unsafe and overstressed environments. Any additional cost or burden must be weighed carefully against the need to bring skilled professionals back into practice.

Conclusion
In closing, HB 440 strengthens oversight of nursing licensure and discipline. ONA supports accountability and patient safety, but we will continue to monitor this bill's progress and implementation to ensure it does not create unnecessary barriers or unfairly harm the nursing workforce.

We urge the Committee to advance this bill with the intent of striking the right balance: protecting patients while supporting the dedicated professionals who make up Ohio's nursing workforce.

Thank you for your time and for the opportunity to testify. I am happy to answer any questions.

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