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A Union of Nurses & Health Professionals

Affiliated with AFL-CIO

**Proponent Testimony**
**Senate Health Committee**
**HB 440 – Board of Nursing Background Checks**
**November 5, 2025**

Chair Huffman, Vice Chair Johnson, Ranking Member Liston, and members of the Senate 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), representing thousands of nurses and health professionals across Ohio.

ONA appeared before the House Health Committee as an Interested Party on House Bill 440. At that time, we sought clarification regarding the potential financial impact of the bill's background check provisions. Now that it has been confirmed that HB 440 does not impose any additional out-of-pocket costs or new fees on nurses, we are pleased to appear before you today as full proponents of the legislation.

**Strengthening Patient Safety and Professional Accountability**
ONA supports HB 440's intent and framework to enhance patient safety and reinforce public trust in the nursing profession. Ensuring that only qualified and safe individuals are licensed to practice nursing is fundamental to protecting the public. HB 440 makes a targeted technical clarification to ensure Ohio's Board of Nursing background check procedures remain compliant with federal FBI standards by specifying who within the Board may receive background check results, strengthening accountability while maintaining fairness, transparency, and uninterrupted operations.

We also appreciate the bill's commitment to upholding a Just Culture approach, one that differentiates between human error, at-risk behavior, and reckless behavior. This framework fosters accountability while encouraging continuous learning, system improvement, and open communication, all of which contribute to safer care for patients and a more supportive environment for nurses.

**Ensuring Fairness and Due Process**
ONA supports the bill's alignment with Ohio's "fair chance" law under **ORC 9.79**, ensuring that a criminal conviction cannot automatically bar a nurse from licensure unless it directly relates to their ability to safely practice. This safeguard protects fairness and recognizes that individuals can rehabilitate, grow, and return to the profession safely.

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At a time when Ohio continues to experience workforce challenges, this balance is critical. We must protect patients without unnecessarily excluding qualified nurses who have demonstrated competence and commitment to safe practice.

**Protecting Confidentiality**
We strongly support HB 440's confidentiality provisions, which ensure that investigations and monitoring remain confidential unless disciplinary action is finalized. Protecting confidentiality encourages participation in corrective programs, supports rehabilitation, and prevents stigma or reputational harm before due process is complete.

**Balancing Discipline and Rehabilitation**
ONA believes that accountability and rehabilitation are not mutually exclusive; both are essential for a strong and ethical profession. HB 440 preserves the Safe Haven Program and the Practice Intervention and Improvement Program, which allow nurses experiencing mental health or substance use challenges to seek help and safely return to practice. These evidence-based programs protect patients while supporting nurse recovery, workforce retention, and a culture of safety.

**Supporting the Nursing Workforce**
ONA appreciates that this bill strengthens oversight without adding new costs or administrative burdens for nurses. By maintaining fairness, confidentiality, and access to rehabilitative pathways, HB 440 upholds high professional standards while helping retain experienced nurses in the workforce, an especially important consideration as nurses in hospitals and long-term care facilities continue to face understaffing challenges.

**Conclusion**
In conclusion, the Ohio Nurses Association proudly supports House Bill 440. We thank the sponsors and committee members for their thoughtful work on this issue.

HB 440 achieves the right balance: it safeguards the public through strengthened accountability while preserving fairness, confidentiality, and workforce sustainability.

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

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