



Representative Al Cutrona
59th Ohio House District

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Cutrona

Chair Stein, Vice Chair Johnson, Ranking Member Lepore-Hagan, and members of the House Commerce and Labor Committee, thank you for the opportunity to provide sponsor testimony on House Bill 163.

This bill is a reintroduction of HB 144 from last GA, which passed the House with a strong, bipartisan vote of 80-13. As HB 144 made its way through the House, the committee heard compelling testimony from nurses, and the family members of nurses, who have suffered from mandated overtime. Proponent testimony was also submitted by Auditor Faber outlining the cost savings that hospitals would see if they eliminated the use of mandatory overtime. I look forward to future hearings where this testimony can be presented to you all as well.

This bill does not prohibit a nurse from being able to work overtime. The bill is meant to address the issue of nurses feeling compelled to work unscheduled overtime, which can result in negative health consequences for patients and nurses. According to a February 2020 report done by the Health Policy Institute of Ohio and The Ohio State University College of Nursing, excess work and overtime can result in negative outcomes for patients and nurses. In addition, non-overtime nurse staffing has shown to result in improved patient health outcomes.

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 this would be after a nurse completes a 12-hour shift and feels compelled, due to negative professional consequences, to stay for unscheduled overtime work.

Sweeney

The intent of the legislation is to prohibit a hospital from requiring a registered nurse or licensed practical nurse to work in excess of an agreed upon, predetermined, scheduled full-time or part-time workweek as a condition of continued employment. Hospitals will be prohibited from terminating employment, proposing to terminate employment, taking disciplinary or retaliatory action, or proposing to take disciplinary or retaliatory action solely because a nurse chooses not to work overtime.

Under the bill, nurses may still voluntarily work overtime. In addition, hospitals may offer overtime. Hospitals may request or schedule overtime during health care disasters; 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; situations when a nurse is actively engaged in an ongoing medical or surgical procedure.

This bill is meant to ensure proper policies are in place that protect the health of patients and nurses. I want to thank you for your time and attention to this matter and am happy to answer any questions that you may have.