

**House Health Committee
House Bill 248
June 15, 2021**

Good morning, Chair Lipps, Vice-Chair Holmes, Ranking Member Russo, and members of the Committee. I am Pete Van Runkle from the Ohio Health Care Association. OHCA represents providers of assisted living, home care, hospice, intellectual and developmental disabilities, and skilled nursing services. We appreciate the opportunity to provide written testimony in opposition to House Bill (HB) 248.

On behalf of our members, our concern with this legislation is two-fold. First, it restricts their ability as businesses to protect the vulnerable people they serve and their employees from communicable diseases. Second, it places our members in violation of federal requirements that are applicable to and enforceable against them.

HB 248 specifically calls out skilled nursing facilities (SNFs), residential care facilities (assisted living), and other health care providers, but it applies to all OHCA members since they are employers. Health care providers have long mandated vaccinations (for example, influenza) as a condition of employment for the simple reason of protecting their patients, residents, and people they serve from communicable diseases while they are receiving care. In many cases, the people they serve are more vulnerable to contracting these diseases and to negative outcomes from them because of age, other health conditions, and congregate environments. These considerations are magnified significantly for COVID-19, to the point where some OHCA members are mandating COVID-19 vaccinations despite the severe shortage of health care workforce.

As health care providers, our members' mission is to protect and to serve individuals in need. Relative to communicable diseases and, in particular, COVID-19, vaccinations are a critical part of this mission. We oppose HB 248 because it attempts to take away this vital tool that has been so important to protecting against COVID-19 and to defeating the pandemic.

HB 248, of course, goes far beyond prohibiting vaccination mandates to include prohibitions on requesting that employees or people served become vaccinated, asking about vaccination status, differentiating between employees or patients/residents based on vaccination status, and providing greater privileges to vaccinated individuals.

All of these prohibitions, for OHCA members, conflict with federal requirements that they must meet. Regulations and guidance from the federal Centers for Medicare and Medicaid Services, the Centers for Disease Control and Prevention, and the Occupational Safety and Health Administration mandate educating and offering vaccine to employees and, in the case of congregate residential facilities, residents. They also mandate different treatment of employees and residents depending on whether or not they are vaccinated, which requires the health care business to know and to maintain records of who is and is not vaccinated as well as to have ways to distinguish between them.

There are nuances regarding which federal standards apply to which health care providers, but all of them are covered to one degree or another. SNFs in particular are subject to extensive federal requirements on vaccinations reflecting clear federal policy that vaccinations are the most effective weapon available to reduce spread of the coronavirus that has sickened and killed so many SNF residents and staff across the country. HB 248 clearly and in many ways conflicts with these federal requirements.

We recognize that HB 248 contains language prohibiting orders and other state actions that conflict with the bill's provisions. HB 248, however, cannot supersede federal requirements. OHCA members are subject to citation and enforcement action for failure to comply with the federal requirements. Nothing the state of Ohio can do changes that. They are federal, not state rules. Our members cannot be placed in the untenable position of having to choose between violating federal requirements or violating state requirements. For this reason, along with the conflict with our members' mission as health care providers, we oppose HB 248.

Thank you, and I would be happy to address any questions you may have about our concerns with HB 248.