

House Bill 196
Opponent Testimony
Ohio House Health Committee
December 7, 2021

Chairman Lipps, Vice Chair Holmes, Ranking Member Russo, and members of the Ohio House Health Committee, thank you for the opportunity to provide written testimony on behalf of the Ohio Hospital Association in opposition to House Bill 196, which would regulate the practice of surgical assistants in the state of Ohio.

Established in 1915, OHA is the nation's first state-level hospital association. We currently represent 245 hospitals and 15 health systems throughout Ohio. The association is governed by a 20-member Board of Trustees with representation from small and large hospitals, teaching facilities and health care systems with a committee and task force structure.

OHA and its member hospitals recognize that surgical assistants are integral members of the surgical team. As such, we appreciate and respect the valuable role these professionals play in delivering safe and quality care to our patients.

In our view, House Bill 196 is a legislative solution in search of a problem. There is no data to suggest that surgical assistants need to be further regulated.

Our members do not support efforts to increase licensure requirements for professions absent a compelling case that the requirement is a necessary response to a demonstrated problem. We are unaware of problems in the surgical assistant space, nor have hospitals heard an outcry from surgeons that the quality of surgical assistants is poor or that licensure is necessary.

Hospitals already have multiple layers of regulation – state laws, national accrediting bodies, Medicare Conditions of Participation and the legal liability system just to name a few. Furthermore, individual facility bylaws, policies and procedures provide credentialing requirements and oversight regarding who can provide surgical services. The exposure to liability that hospitals face for surgical errors or hospital-acquired infections resulting from insufficiently trained personnel performing tasks is a more than adequate incentive for hospitals to ensure their staff, including surgical assistants, does not perform functions beyond the scope of their training. Additionally, hospitals are held to rigorous and comprehensive standards that are reviewed and monitored regularly and our facilities are subject to survey from several inspection entities.

Moreover, as part of HB 110—the state operating budget passed earlier this year, Ohio hospitals are currently undergoing the creation and implementation of a licensure process beyond the extensive state and federal regulations already in place, as well as existing licensure and certification procedures for individual hospital service lines.

Please know that Ohio hospitals always put patient safety and quality at the forefront of each decision made in our facilities. We take very seriously the training, education and competence of all staff involved in patient care and have undertaken numerous, proven process-improvement strategies to enhance surgical care and reduce bad outcomes, including infections.

These strategies include following surgical checklists, increased hand hygiene compliance, the use and appropriate timing of antibiotics to prevent surgical infections, and environmental decontamination of operating and patient rooms. We continually work to assess current processes and determine how to deliver the best care possible via measurable quality indicators.

Finally, while we appreciate the sponsors' efforts to provide for waivers in some circumstances, OHA remains concerned about the impact this bill will have on already stressed hospital operations.

OHA has historically been opposed to efforts such as HB 196, but we would be remiss in not highlighting the current state of staffing in Ohio hospitals. The staffing crisis across all provider types is dire and unprecedented. Adding an additional layer of bureaucracy and government oversight further exacerbates an already difficult situation and ignores the reality and complexity of operating a hospital in a highly regulated health care industry.

It is for these reasons the Ohio Hospital Association is opposed to HB 196. We appreciate your consideration of our concerns.