



February 9, 2021

Senator Kristina Roegner  
Ohio Statehouse  
1 Capitol Square  
Columbus, OH 43215

RE: Memo on Senate Bill 3

Senator Roegner,

In response to ongoing inquiries about the specific position of the Ohio Nurses Association on SB 3, we wanted to take the time to clarify our perspective on this important bill and the evolving considerations necessary for us to take into account as we continue to engage with it.

As you know, ONA submitted opposition testimony last General Assembly on the legislation, then SB 241, based on the following concerns:

- Unchecked, potentially unconstitutional authority of the private Interstate Commission that oversees the Compact. The power given to this Commission under the Compact is concerning and usurps state legislative and rulemaking authority.
- The inability of the Ohio Board of Nursing to use its existing, granted authority to independently action on out-of-state nurse licenses used to practice in Ohio.
- The potential negative fiscal impact on the Ohio Board of Nursing and the way those added expenses might be passed down to Ohio nurses, some of which may not even opt in to using compact licenses.
- The lack of input allowed in the Commission rule process from expert, interested parties such as professional nurse associations.
- The unnecessary nature of enacting the Compact to address nurse mobility during the current pandemic, as Ohio law already allows for nurses in other jurisdictions to practice in Ohio in officially designated disasters or emergencies.
- The threat of the Compact impacting collectively bargained nurses' right to retain their employment while engaging in conversations around their contract with their employer.

Since then, you have engaged in productive, good faith conversations with our association to address some of these important concerns. We greatly appreciate and support the amendments you have added to SB 3. Because of this positive dialogue, we felt that continuing to oppose the bill was no longer reflective of our engagement on the bill in its totality, including the productive, ongoing negotiations to address our lingering concerns. However, although we feel the amendments added to SB 3 improve the bill, we still harbor the following reservations:

- The potentially unconstitutional power of the Commission, which may not be able to be addressed in additional amendments as any changes to the structure of the body would prevent Ohio from joining the Compact.



- The restriction on the Ohio Board of Nursing's ability to exercise its authority over nurses practicing in Ohio with out-of-state compact licenses. This also seems to be an issue for which any amendments would substantially change the operational structure of the Compact and thus prevent Ohio from joining.
- The lack of a mandatory reporting requirement for employers under the Compact. Ohio does have mandatory reporting for practice violations, which increases patient safety.
- The Ohio Board of Nursing's ongoing concerns with the legislation.

Given we recognize that the Senate is likely to make quick work of SB 3, we hope to continue conversations with you in a thoughtful and deliberative way on the legislation in the House. We also hope to have additional time to continue to gather information from other states and national organizations that have already reviewed Compact legislation or have joined the Compact to ensure we are considering all potential short or long-term impacts on Ohio nurses. For example, one of the issues we need to further research is the impact of the Compact on collective bargaining. Of ONA's 10,000 members, 80% belong to a union. Based on our previous interested party meetings, it is our understanding that adding in safeguards for collective bargaining nurses will modify the Compact to the extent that Ohio would be excluded from being a member. However, we would like to more thoroughly review this issue and opportunities for addressing it before coming to any conclusions in this area.

Through continuing to do our due diligence on this bill, our hope is that we can move from our current position of interested party to either neutral or potentially supportive. However, if we are not able to resolve the concerns listed above, we will likely remain an interested party with serious lingering concerns.

We hope this letter serves to clarify our position and document our interest in continuing to engage with you on SB 3.

Thank you for working with us.

Sincerely,

Tiffany D. Bukoffsky, MHA, BSN, RN  
Director of Health Policy  
Ohio Nurses Association