



# OHIO LEGISLATIVE SERVICE COMMISSION

---

## Bill Analysis

Audra Tidball

### **H.B. 456**

132nd General Assembly  
(As Introduced)

**Reps.** Sprague, Antonio, Kelly, Kent, Riedel

---

### **BILL SUMMARY**

- Prohibits a hospital from requiring a nurse to work overtime as a condition of continued employment except in certain urgent circumstances and during ongoing medical or surgical procedures.
- 

### **CONTENT AND OPERATION**

#### **Nurse overtime**

##### **Prohibited conduct**

Subject to the exceptions discussed below, the bill prohibits a hospital from requiring a registered nurse or licensed practical nurse to work overtime as a condition of continued employment.<sup>1</sup> The bill defines "overtime" as an amount of time that is worked in excess of an agreed upon, predetermined, scheduled full-time or part-time work week.<sup>2</sup> Under the bill, a hospital may not do either of the following solely because a nurse chooses not to work overtime:

- (1) Terminate or propose to terminate the nurse's employment;
- (2) Take or propose to take disciplinary or retaliatory action against the nurse.<sup>3</sup>

---

<sup>1</sup> R.C. 3727.58(B)(1).

<sup>2</sup> R.C. 3727.58(A)(1).

<sup>3</sup> R.C. 3727.58(B)(2).

## Exceptions

The bill's overtime prohibition does not prohibit (1) a nurse from voluntarily working overtime or (2) a hospital from offering overtime or permitting a nurse to work overtime when the nurse chooses.<sup>4</sup> It also does not prohibit a hospital from requesting or scheduling a nurse to work overtime in the following circumstances:

**(1) Health care disasters** – A health care disaster, such as a natural or other disaster that increases the need for health care personnel, unexpectedly affects the county in which the hospital is located or a contiguous county.

**(2) Emergency declarations** – A federal, state, or county declaration of emergency is in effect in the county in which the hospital is located or a contiguous county.

**(3) Emergencies, unforeseen events, and influx of patients** – There is an emergency, unforeseen event, or influx of patients that (a) results in patient care needs beyond reasonable, predictable levels, (b) increases the need for health care personnel at the hospital to provide safe patient care, and (c) could not be prudently anticipated by the hospital.

**(4) Ongoing medical or surgical procedures** – The nurse is actively engaged in an ongoing medical or surgical procedure, and the nurse's continued presence through completion of the procedure is necessary to ensure the health and safety of the patient.<sup>5</sup>

## Enforcement

The bill permits the Department of Health, through the Attorney General or appropriate prosecuting attorney, to apply to a court of common pleas for a temporary or permanent injunction restraining a hospital from violating the bill's provisions. If it is shown that a violation has occurred, the court must grant an order enjoining the violation. This remedy is in addition to all other penalties and remedies otherwise available under the Revised Code.<sup>6</sup>

---

<sup>4</sup> R.C. 3727.58(C)(1) and (2).

<sup>5</sup> R.C. 3727.58(C)(3).

<sup>6</sup> R.C. 3727.58(D).



## Nursing services staffing plans

Current law requires each hospital to create an evidence-based, written nursing services staffing plan to guide the assignment of nurses hospital-wide. The bill requires those staffing plans to be consistent with its requirements.<sup>7</sup>

---

### HISTORY

ACTION	DATE
Introduced	12-28-17

H0456-I-132.docx/ar

---

<sup>7</sup> R.C. 3727.53(B).

