



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: H.B. 456 of the 132nd G.A.

Status: As Introduced

Sponsor: Rep. Sprague

Local Impact Statement Procedure Required: Yes

Subject: Prohibits a hospital from requiring nurses to work overtime as a condition of employment

State & Local Fiscal Highlights

- Government-owned hospitals would experience an increase in costs to hire additional nursing staff. These costs would likely be greater than the costs of paying for overtime. The total costs would depend on the number of additional nurses needed.
- The Ohio Department of Health could experience an increase in costs to track and investigate any complaints and apply for necessary injunctions. The Attorney General's Office and local courts of common pleas could also experience an increase in administrative costs related to any injunctions sought.

Detailed Fiscal Analysis

The bill prohibits a hospital from requiring a registered nurse or a licensed practical nurse employed by the hospital to work overtime as a condition of continued employment. However, the bill does not prohibit a hospital from requesting or scheduling a nurse to work overtime (1) in the event of a health care disaster that unexpectedly affects the county in which the hospital is located or a contiguous county, (2) when a federal, state, or county declaration of emergency is in effect in the county the hospital is located or contiguous county, (3) when there is an emergency, unforeseen event, or influx of patients that results in patient care beyond predictable levels and increases the need for health care personnel, and (4) if the nurse is actively engaged in an ongoing medical or surgical procedure.

The bill specifies that the Ohio Department of Health, through the Attorney General or an appropriate prosecuting attorney, may apply to the court of common pleas of the county in which a hospital is located for a temporary or permanent injunction restraining the hospital from violating the provisions of the bill. On a showing that a violation has occurred, the court is required to grant an order enjoining the violation.

Fiscal impact

The provisions of the bill would likely require government-owned hospitals¹ to hire additional nursing staff. The Ohio Hospital Association (OHA) has stated that the costs to hire additional staff, which would include retirement and health insurance benefits, would likely be much greater than the costs associated with paying overtime for currently employed staff. The total costs would depend on the number of additional nurses hired as a result of the bill.

The Ohio Department of Health could experience an increase in costs related to staff time and possibly travel expenses to track and investigate complaints and apply for necessary injunctions. The Attorney General's Office and local courts of common pleas could also experience an increase in costs related to injunctions. The costs would ultimately depend on the number of complaints that are received. However, this number could be large due to the large number of registered and licensed practical nurses² employed by hospitals in Ohio.

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¹ According to OHA, there are 233 hospitals and 13 health systems in Ohio. Of these, 19 are state or local government-owned hospitals.

² According to the Ohio Board of Nursing's workforce development data, there were approximately 100,000 registered nurses employed in hospital settings in 2017 and approximately 3,100 licensed practical nurses in 2016. The information can be accessed here: <http://www.nursing.ohio.gov/Workforce.htm>. This figure includes inpatient and outpatient, emergency departments, federal government, and perioperative/operating room hospital settings. Please note that not every nurse with an active license responded, so this number could be higher.