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November 2021

[Covid Hazard Pay Update](#)

[Hospital Licensing Regulations – HB 110 Update](#)

[Senate Bill 3 \(Nurse Compact\) Enacted but delayed implementation - 2023](#)

- Sponsor Senator Roegner
- Senate Bill 3 was introduced in January 2021, passed the Senate, and was voted out of House Health Committee in June on a party-line vote (with one Republican no). This is the same bill Senator Roegner introduced in the summer of 2020 (then SB 341). SB 3 will enter Ohio into a multi-state nurse licensure compact. ONA had conversations with the Ohio Board of Nursing and other interested parties regarding this legislation. Seeing as 34 other states are already members of the Nurse Licensure Compact, we viewed it as inevitable that Ohio would enact this law. SB 3 was amended with the following ONA suggested items and signed by Governor DeWine in July 2021. Because of our negotiations with Sen. Roegner, the bill doesn't take effect until 2023.
 - Accepted ONA amendments:
 - Language specifying that the Compact does not limit, alter, or modify any terms, conditions, or provisions of a collective bargaining agreement entered into by a hospital.
 - Language requiring the employer to report the names of compact nurses they employ to the Ohio Board of Nursing.
 - Language requiring the employer to provide the compact nurse with information on Ohio nursing laws and regulations, as developed by the Ohio Board of Nursing.
 - Language extending the effective date of the bill to January 1, 2023.
 - Language clarifying that the Ohio Board of Nursing can accept any grant funding from the National Compact to establish the program in Ohio.
 - Language clarifying that the Ohio Board of Nursing may not pass along any costs associated with administering the Compact to traditional Ohio nurses (via license fees).

- Language clarifying that the Board of Nursing still has authority over education and scope of practice issues for nurses practicing in Ohio, despite the Compact’s authority over some aspects of compact licensure.
- Mandatory reporting for compact nurses requires the employer to report any misconduct by a compact nurse to the Ohio Board of Nursing that is grounds for disciplinary action.

House Bill 163, Senate Bill 129 & Budget Amendment (Mandatory Nurse Overtime)

- Sponsors Reps. Cutrona & Sweeney / Senators Schaffer & Antonio
 - Senate Co-sponsors – Senators Roegner, Hackett, Rulli, Brenner, Thomas, Yuko & Craig
 - House Co-sponsors – Reps. Reidel, Gross, Lepore-Hagan, Joe Miller, Don Jones & Carruthers
- With new Senate Leadership this General Assembly coupled with applying a strategy of introducing joint companion bills and a budget amendment, we are optimistic that the nurse overtime legislation will finally gain passage in both chambers this GA. This bill will prohibit a hospital from requiring a registered nurse or licensed practical nurse to work overtime as a condition of continued employment. Historically, the Ohio Hospital Association always objects to this legislation. However, with new Senate Leadership, they’ve lost their strongest advocate, Former Senate President Obhof. Our renewed effort will employ a plan to simultaneously introduce a House bill and Senate companion bill along with budget amendments in both the House and Senate. House Bill 163 passed the House Commerce Committee with a vote of 12-0 in June and was subsequently voted out of the full House. The nurse overtime budget amendment was submitted to Senate leadership on May 12, 2021. Unfortunately, the amendment was not accepted into the operating budget. Seeing as it’s a larger policy issue, we were not surprised by this operating budget outcome. SB 129 is set for its first senate hearing on 11/10/21.

House Bill 122 (Telehealth) **New Substitute Bill Introduced 11/10/21**

- Sponsors Reps. Fraizer and Holmes
- This bill is a reintroduction of a bill last General Assembly – with a few changes – that requires private health plans to cover telehealth. HB 122 requires cost sharing parity with in-person services and establishes requirements for Medicaid-covered telehealth services. The last bill moved quickly through committee and passed in the House Chamber. However, it stalled in the Senate Chamber over concerns that COVID rules were already covering telehealth practice in most cases. House Bill 122 passed the House Chamber in May 2021 and is currently in the Senate Health Committee.

House Bill 110 (Hospital Licensure / Operating Budget Bill) **Enacted**

- Sponsor Rep. Scott Oelslager
- Governor DeWine submitted a proposal for hospital licensure within the state operating budget bill. The Governor’s initial legislative language lays out the basic structure of how licensing will work, but many details will need to be finalized in rule making process. ONA testified as a proponent of hospital licensure in the House and the Senate during the budget hearings, while offering a few

suggestions for how to strengthen certain provisions. The operating budget bill passed both the House and Senate Chambers and it was signed by the Governor in July 2021. We are keeping channels of communication open with the Governor's Office and Department of Health so that we can be notified when they begin accepting input on the rules for the program. Licensing will begin three years after the budget's effective date.

House Bill 90 & Senate Bill 22 (Legislative Oversight for Governor) **Enacted**

- Sponsors Reps. Jay Edwards & Scott Wiggam
- Sponsors Senators Rob McColley & Terry Johnson
- House Bill 90 and Senate Bill 22 both seek to authorize House and Senate oversight for any of the Governor's executive orders pertaining to public health emergencies. The House and Senate would be able to pass a concurrent resolution within 11 days after any health orders or states of emergency are declared by the Governor, immediately repealing those orders or emergencies and preventing the Governor from acting for another 30 to 90 days after the order is overturned. Senate Bill 22 was passed by both chambers, vetoed by the Governor, and then both chambers overruled the Governor's veto in late March. The bill became effective June 23, 2021. The Legislature was expected to take action using their new authority under this bill if the Governor had not relaxed COVID health orders by this date.

House Bill 6 (Temporary Nurse License) **Enacted**

- Sponsor Rep. Bill Roemer
- House Bill 6 is the reintroduction of House Bill 673 from the last General Assembly. The bill seeks to extend the temporary nurse license authorized due to COVID through July 1, 2021. Our amendment to disqualify any nurse that fails the NCLEX from receiving a temporary license remained in the bill through its passage. HB 6 will also authorize additional healthcare professionals to administer COVID tests and vaccinations.

Senate Bill 48 (Cultural Competency Instructions) **No change in status**

- Sponsors Senators Nickie Antonio and Tina Maharath
- SB 48 requires healthcare professionals, including nurses, to complete cultural competency instructions in order to renew or apply for a license. The legislation leaves up to the individual boards how many hours will be required and criteria considered for circumstances in which these requirements can be waived. We do not see this bill as gaining much traction in the Senate, but wanted to put it on HPC's radar nonetheless.

Senate Bill 161 (Surgical Smoke) **Committee hearing update**

- Sponsor Senator Andrew Brenner
- SB 161 would require hospitals that perform surgeries to adopt and implement a policy designed to prevent human exposure to surgical smoke. Such plans would include utilizing equipment designed to capture and neutralize surgical smoke at the point of origin before the smoke makes contact with the eyes or respiratory tracts of individuals. SB 161 will have a 2nd hearing on Nov. 10, 2021.

House Bill 253 (Vaccine Proof Restrictions) **No change in status**

- Sponsor Rep. Al Cutrona
- HB 253 will prohibit any state agency or political subdivision from requiring a person to show proof of vaccination. Furthermore, the bill will prohibit any requirement to show proof of vaccination to enter into a state owned or operated building. It provides an exemption for purposes dealing with medical care. HB 253 is currently in House Health committee.

House Bill 248 (Vaccination Service Restrictions) **Committee hearing update**

- Sponsor Rep. Jennifer Gross
- HB 248 seeks to prohibit any person, political subdivision, public official, or state agency from denying service to, segregating or otherwise treating differently, or denying entry to a person that has refused to take any vaccine or wear a mask. HB 248 is currently in House Health committee. There is a very broad coalition of groups opposed to this legislation, including healthcare organizations, business interests, insurance groups and others. ONA is a part of this coalition. There has also been an organized grassroots effort from anti-vaccine groups to support the bill. It is unlikely this bill will continue to move.

House Bill 337 (One-time bonus payments for first responders) **No change in status**

- Sponsors Reps. Craig Riedel & Phil Plummer
- HB 337 will provide a one-time hazard bonus payment for police officers and first responders using federal COVID relief money. The groups receiving bonuses in the current bill language are police officers, investigators, county deputy sheriff officers, highway patrol, firefighters, EMTs and jail officers. The bill was introduced on June 7, 2021, and was referred to House Finance Committee. Lobbying to include nurses in this bill or another bill allocating bonus pay for healthcare workers is a high priority for ONA this fall. Nurse hazard pay is likely to be allocated in a separate bill, and we will work to organize a healthcare workers coalition on this effort.

Senate Bill 135 (Higher Education Reform) **Enacted as amendment to HB 110**

- Sponsor Senator Jerry Cirino
- SB 135 is a wide-reaching higher education reform bill intended to maximize postsecondary education outcomes while reducing costs. There is a provision in the bill that requires the Chancellor of Higher Education to approve all requests by community/technical colleges to offer a bachelor's degree in nursing. There was significant testimony from health systems and community colleges in support of the nursing program provisions, many citing the nursing shortage. This portion of SB 135 was also included as an amendment in the Senate's budget bill, which ended up in the final budget bill. The standalone bill is beginning to receive hearings in the House Higher Education Committee.

Senate Concurrent Resolution 4 **No change in status**

- Sponsor Senators Sandra Williams & Hearcel Craig

- SCR 4 was introduced in February 2021. The bill will declare racism a public health crisis and ask the Governor to establish a working group to promote the racial equity in Ohio. The bill is currently in the Senate Health Committee.

House Bill 324 (Hospital Visitation During Pandemic) **No change in status**

- Sponsor Reps. Scott Lipps & Gary Click
- HB 324 was introduced in June 2021. The bill will permit hospital visitations during a public health emergency or outbreak of a contagious disease and it will establish the criteria for those visits. The bill is currently in House Health Committee.

House Bill 388 (Prohibits Discrimination Against Unvaccinated) **No change in status**

- Sponsor Rep. Kris Jordan
- HB 388 was introduced in August 2021. The bill will prohibit acting against anyone that refuses to take a vaccine. The bill is currently in House Health Committee and has not yet had a hearing.

House Bill 196 (Surgical Assistant License) **No Change in Status**

- Sponsor Rep. Brigid Kelly & Sara Carruthers
- HB 196 will require the Ohio State Medical Board to develop criteria for licensing a surgical assistant. This proposed law will not apply to individuals holding a current and valid medical license for any of the following: physician, registered nurse, advanced practice registered nurse, physician assistant and/or a license practical nurse. The bill was introduced in April 2021 and is currently in the House Health Committee. We have had additional conversations with the sponsor to ensure there are no inadvertent adverse impacts on nurses.

House Bill 363 (Mental Health Services After a Disaster)

- Sponsor Rep. Adam Miller & Monique Smith
- HB 196 will establish mental health service programs for medical staff and local residents involved in a disaster such as a pandemic. This bill is currently in the House Behavioral Health Committee and has had one hearing.

Senate Bill 169 (Prohibit Covid Vaccine Mandates)

- Sponsor Senator Brenner
- SB 169 will prohibit mandatory covid vaccine mandates and requiring anyone to show proof of vaccination. This bill is currently in the Senate Health committee.

Senate Bill 221 (Removes Standard Care Agreement between APRNs and Doctors)

- Sponsor Rep. Gross & Brickman
- SB 221 will eliminate the standard care agreement. It was introduced in March 2021 and has yet to have a committee hearing.

House Bill 294 (Voting Laws – limits drop boxes and absentee mail time)

- Sponsor Rep. Seitz & Ray
- HB 294 will make changes to the Ohio voter registration, voter verification and absentee ballot process in Ohio. Some of the more controversial items in the bill

are reducing the number of drop boxes in a county and reducing the number of days a person can mail in an absentee ballot. Furthermore, it would limit each county to 3 drop boxes and those drop boxes would only be available 10 days before the election versus 30 days under current law. Finally, it requires an absentee voter to mail in their ballot 10 days before the election versus the 3 days under current law. The bill has been the subject of very lively debate in the statehouse and has not had a hearing since May 2021. A sub bill was expected at some point, but it is likely not the priority for the sponsors given other legislative agenda items this fall.

Senate Bill 47 (Overtime pay for traveling and minimal pre or post work tasks)

- Senator Brenner & Peterson
- SB 47 seeks to limit the employer liability for overtime pay for travel to or from a worksite and minimal preliminary or postliminary tasks unless directed by the employer. Proponents say this law will bring Ohio in alignment with the US Supreme Court overtime doctrine. SB 47 passed the Senate and is currently in the House Commerce Committee.

House Bill 424 (Limits legal liability for spreading covid and bans vaccines in schools)

- Rep. Koehler
- HB 424 raises the threshold for plaintiffs to prevail in a COVID lawsuit. The plaintive must show that COVID exposure they had was “reckless,” “intentional,” “willful” or “wanton.” This bill will also ban any vaccine mandates for K-12 and college students in Ohio. HB 424 was recently introduced and has yet to have a committee hearing.

House Bill 425 (Removes any requirement for masks or vaccines)

- Rep. Wiggam & Hall
- HB 425 seeks to outlaw any mandates that require a mask or a vaccine. It was recently introduced and has yet to receive a committee hearing.

House Bill 435 (House Republican Leadership vaccine bill)

- Rep. Seitz & Carfagna
- HB 435 was an effort by House Republican Leadership to consolidate all the vaccine bills into one vaccine compromise bill. The effort failed in Oct. 2021 and the House Speaker stated that the House will try to move away from this issue.

House Bill 387 (Revises Voting Laws)

- Rep. Dean
- HB 387 seeks to revise voting laws in the following ways: absentee voting would only be allowed for disabled individuals; voter ID would be limited to a driver’s license versus a driver’s license and / or a utility bill, bank statement, military ID or paycheck; drop boxes would be eliminated and voting machines must be made in the US. The bill was introduced in Sept. 2021 and has yet to receive a committee hearing.

House Bill 461 (Federal covid funds for nursing facilities)

- Rep. Carruthers
- HB 461 will direct \$300 million of federal COVID money to Ohio nursing facilities. The bill was recently introduced in is currently in the House Economic Development Committee. We do not believe this bill will ultimately be the vehicle for nursing home appropriations.

House Bill 462 (Eliminates health district advisory councils)

- Rep. Jason Stephens
- HB 462 will eliminate district advisory councils for general health districts and transfer their duties and responsibilities to the county commissioners. This bill was recently introduced and has yet to have a hearing.

House Bill 120 (Access to nursing facilities during a pandemic)

- Rep. Frazier & Richardson
- HB 120 will require long-term care facilities to give caregivers access to their facilities during a pandemic. It has passed the House and is currently sitting in the Senate Health Committee. It only applies during the state declared state of emergency, which has ended so the bill is likely moot.

House Bill 466 (Healthcare staff agencies)

- Rep. Edwards
- HB 466 directs the Ohio Dept. of Health Director to establish a registration process and a system for reporting complaints against a staffing agency or employee. HB 466 also prohibits staff agencies from recruiting staff from a facility in which they have placed their staffing employees. Furthermore, it provides penalties for violations. This bill was recently introduced and has not had a committee hearing yet.

House Bill 409 (Healthcare patient or resident protection advisory board)

- Rep. Boyd & Carruthers
- HB 406 will require hospitals and long-term care facilities to establish a patient / resident protection advisory board. This bill was recently introduced and has not had a committee hearing yet.

House Bill 411 (Vaccine Status Disclosure)

- Rep. Click & Grendell
- HB 411 would prohibit mandatory disclosure of a person's COVID vaccine status. This bill was recently introduced and has yet to receive a committee hearing.

House Bill 282 (Brine)

- Rep. Young & Jones
- HB 282 will establish conditions and requirements for sale the brine from oil or gas operation as a commodity to exempt that commodity from requirements otherwise applicable to brine. This bill was introduced in May 2021 and is currently in the Energy and Natural Resources committee.

Senate Bill 171 (Brine)

- Senator Hoagland & Rulli
- SB 171 will establish conditions and requirements for sale the brine from oil or gas operation as a commodity to exempt that commodity from requirements otherwise applicable to brine. This bill was introduced in April 2021 and is currently in the Senate Agriculture and Natural Resources committee.