



**TESTIMONY OF
CONNECTICUT HOSPITAL ASSOCIATION
SUBMITTED TO THE
LABOR AND PUBLIC EMPLOYEES COMMITTEE
Tuesday, March 8, 2022**

HB 5357, An Act Concerning Mandatory Overtime For Nurses In Hospitals

The Connecticut Hospital Association (CHA) appreciates this opportunity to submit testimony concerning **HB 5357, An Act Concerning Mandatory Overtime For Nurses In Hospitals**. CHA opposes the bill.

Since early 2020, hospitals and health systems have been at the center of Connecticut's response to the COVID-19 public health emergency, acting as a vital partner with the state and our communities. Hospitals expanded critical care capacity, procured essential equipment and supplies, and stood up countless community COVID-19 testing locations. Hospitals have been an essential component of the statewide vaccine distribution plan including efforts to reach and serve historically under-resourced communities disproportionately affected by the virus.

With respect to the provisions on mandatory overtime, HB 5357 redefines mandatory overtime for nursing, creates new and significant reporting requirements, and authorizes a private right of action for nurses to bring lawsuits against hospitals.

Connecticut hospitals worked with the legislature in crafting section 19a-490l of the General Statutes, the current mandatory overtime statute. At that time, few hospitals were using mandatory overtime and that remains true today. Hospitals continue to avoid using mandatory overtime through the use of multiple strategies, including asking for volunteers, drawing from internal staffing pools, using traveler or agency staff, and requiring managers to work as direct caregivers. As hospitals and health systems in Connecticut and across the country struggle with a severe workforce and nursing shortage, they are focused on the best ways to retain and attract patient care staff.

HB 5357 adds to section 19a-490l a complex reporting and certification requirement. As we work to recruit and retain our valuable clinical staff, we know that this is not the time to add additional paperwork and reporting requirements to nursing professionals.

HB 5357 also adds a provision that would allow nurses to bring legal action to enforce the bill should it become law. CHA is strongly opposed to this provision. Legal action is not necessary and inappropriate in this context. State agencies are capable of enforcing regulatory requirements. For example, the Department of Public Health is aware of the many statutory requirements for hospitals and upon survey and inspection it verifies compliance. Additionally, such action would potentially increase the cost of healthcare.

HB 5357 goes beyond simply making amendments to the existing mandatory overtime statute. It also establishes new requirements in nursing scheduling. Hospitals know that one of the ways to retain and attract nursing professionals is to design and discuss work schedules with them. Nursing leaders and nurses are regularly working together to craft schedules that balance patient care needs with nurses' working preferences. HB 5357 would statutorily prescribe nursing schedules. Nursing scheduling should be decided by nurses, not by the legislature. This is truer today than ever before. If we have learned one thing during the pandemic, it is that we constantly need to review models of care and to collaborate with nurses to develop schedules that work for them and their families, while meeting patient needs.

Finally, we urge the Committee to review and adopt a comprehensive strategy to address the healthcare workforce shortage. We can just look across the border at New York. Our workforce strategy should be on the scale and scope of what was outlined by Governor Hochul in New York—an initiative to grow that state's healthcare workforce by 20% over the next five years through a \$10 billion investment, including \$4 billion to support wages and bonuses for healthcare workers.

Thank you for your consideration of our position. For additional information, contact CHA Government Relations at (203) 294-7310.