



HOUSE COMMITTEE ON HEALTH
Rep. Ryan I. Yamane, Chair

Conference Room 329
February 17, 2009 at 8:30 am

Testimony in opposition to HB 1814

I am Rich Meiers, President and CEO of the Healthcare Association of Hawaii, representing the entire spectrum of health care, including acute care hospitals, two-thirds of the long term care beds in Hawaii, as well as home care and hospice providers. I regret that I cannot attend today's hearing due to a previous commitment. However, I appreciate this opportunity to submit testimony in opposition to HB 1814, which prohibits hospitals and other employers from requiring nurses to work overtime.

Mandatory overtime, whether it applies to nurses or any other occupation, is a labor and management relations issue. This issue has been addressed in nurse contract negotiations which have been completed between certain hospitals in Hawaii and the Hawaii Nurses Association. In proposing a legislative remedy, this bill would upset the historical balance between the rights of labor and the rights of management and set a precedent with grave implications for all occupations and all businesses.

The raising of the issue of overtime is symptomatic of an underlying shortage of nurses that both Hawaii and the rest of the nation are experiencing. Nationally, studies indicate that the nurse shortage is about 15%, and in Hawaii the situation is probably not much different. There are simply not enough nurses to fill all existing positions to perform all of the duties required to ensure quality care. When there is a shortage in any occupation, whether it be nurses or engineers or computer programmers, employers can be expected to have these employees work overtime. This is absolutely necessary in the health care field, where insufficient staffing may have fatal consequences.

Let me give you two typical examples of situations that a hospital faces. If a nurse employee who is scheduled to work on the next shift calls in sick, the hospital needs to get a replacement on short notice. Or if there is an unanticipated and unusually high number of births at a hospital, the newborns would require more staff than usual to care for them, and the hospital needs to get more nurses quickly. The usual procedure for filling these types of unanticipated needs is that hospitals first ask other nurses on staff to volunteer to work overtime. Hospitals also use temporary employment agencies to secure nurses. Only as a last resort do hospitals require their nurses to work overtime. In short, hospitals use mandatory overtime to ensure quality care. This bill would have the unintended effect of diminishing the quality of health care provided in Hawaii.

Rather than addressing overtime, which is a symptom of the nurse shortage, the Healthcare Association has supported measures to increase the supply of nurses, such as bills that provide increased funding for the UH School of Nursing so that it can educate more nurses. There are many qualified applicants to Hawaii's nurse education programs who are turned away because of limited capacity. The Association in the past has also supported bills that provide scholarships for students who are studying to become nurses. In addition, the Association has sought tuition assistance to enable nurses who are currently in the workforce and want to go back to school to get advanced degrees so they can become faculty members to train new nurses.

For the foregoing reasons, the Healthcare Association of Hawaii strongly opposes HB 1814.



THE QUEEN'S MEDICAL CENTER

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To: Representative Ryan Yamane, Chair
Representative Scott Nishimoto, Vice-Chair
HOUSE HEALTH COMMITTEE

From: Cynthia Kamikawa, MSN, RN, NE-BC
Vice President Patient Care and Chief Nursing Officer

Date: February 17, 2009

Subject: In Opposition to House Bill 1814, Relating to Mandatory Overtime for Nurses

My name is Cynthia Kamikawa. I am the Vice President for Nursing, ED, and Chief Nursing Officer at The Queen's Medical Center. I am testifying for The Queen's Medical Center in opposition to House Bill 1814, relating to mandatory overtime for nurses.

The Queen's Medical Center is the largest private tertiary care hospital in the State of Hawaii. We offer specialized care in the areas of cardiology, neuroscience, orthopedics, behavioral health, oncology, women's health, emergency services and trauma care. We are designated by the American College of Surgeons as a Level II Trauma Center – the only one in the state. A significant and essential asset of our patient care team is our specialty trained Registered Nurses who enable us to provide high quality patient care to the citizens of Hawaii. At The Queen's Medical Center we have "built" into the staffing patterns additional nurses to cover emergencies and continually reassess our staffing patterns to insure that we provide adequate staff to meet the needs of our patients. However, overtime may need to be utilized as a last resort when we experience unplanned vacancies or sudden increase in our census or acuity of patients. We assess all options before resorting to mandatory overtime. As an institution, we have been successful in significantly decreasing the usage of mandatory overtime because we realize that it is an issue for nursing and patient safety.

As the only recognized and designated Trauma Center in the state of Hawaii, The Queen's Medical Center has committed to providing care to the victims of traumatic injuries in our community. The Queen's Medical Center Emergency Department is the busiest in the state and the main referral center for the state. The nature of providing these services requires that we are prepared 24-hours, 7-days a week, with trauma and emergency specialists ready and able to care for these critically injured patients. Registered nurses are necessary in providing care to these patients whether it is in our Emergency Department, Operating Room, Intensive Care Units or Medical/Surgical Units. When we have unexpected absences or personal emergencies occur, we are forced to look for additional support. That support may be found by utilizing nurses who are call-ins or in the float pool, calling local agencies and asking nurses to volunteer to work additional hours.

Our stance against House Bill 1814 is that we as a hospital must have the availability of specialty trained registered nurses in order to insure that all citizens of our community receive the best possible medical care. We have committed to you that we will provide a Trauma Center and other specialized care. We have also committed to aggressively recruit and retain specialty trained nurses and discourage the utilization of overtime. When overtime is utilized; we make every effort to keep it to a minimum. We make every effort to avoid using mandatory overtime. We take this very seriously and track the mandatory overtime that is less than 1% of the total hours our nursing staff works.

The Queen's Medical Center urges you to vote against House Bill 1814. Thank you for the opportunity to testify.

nishimoto2-Bryce

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 15, 2009 8:38 PM
To: HLTtestimony
Cc: jagnes@gmail.com
Subject: Testimony for HB1814 on 2/17/2009 8:30:00 AM

Testimony for HLT 2/17/2009 8:30:00 AM HB1814

Conference room: 329
Testifier position: oppose
Testifier will be present: No
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Submitted on: 2/15/2009

Comments:

This is a business decision and the State should not impose itself by passing this kind of bill.