TRAVIS NELSON
STATE REPRESENTATIVE
HOUSE DISTRICT 44
NORTH/NORTHEAST PORTLAND

HOUSE OF REPRESENTATIVES
Testimony in Support of House Bill 2919

February 15, 2023

Thank you, Chair Kropf, Vice-Chairs Andersen and Wallan. For the record, I am Travis Nelson – the State Representative for House District 44, and I am a Registered Nurse. Committee members, I am here today in support of House Bill 2919. This bill would protect our already overworked and under-supported health care facility nurses, and it is designed to protect a nurse from criminal liability who makes an unintentional mistake in the care of a patient.

By now, some of you have likely heard about the case of RaDonda Vaught, a nurse in Tennessee found guilty of criminal charges – neglect and negligent homicide – after a 2017 fatal medication error. Ms. Vaught is a former registered nurse who was fired from Vanderbilt University Medical Center after making a fatal medication error and then stripped of her professional nursing license by the Tennessee Board of Nursing. During her 3-day trial, Ms. Vaught faced a charge of reckless homicide, but the 12-member jury found her guilty of a lesser charge, negligent homicide.

We should not be blaming and punishing nurses for errors that arise from a faulty system. Instead, we should be holding health care facilities accountable to fix those systems. No system is perfect and it's a positive sign of healthy growth when a health care facility engages in change to protect and help their staff. Right now, health care facilities are feeling the burden of workforce burnout and overwork. Nurses are working double shifts and more overtime than ever before due to the staffing shortages resulting from the Covid-19 pandemic. This only leads to more errors in care and more distress among nursing staff. We can help address some of that with this bill.

It's all too easy to make a mistake when you're running on too-little sleep and you aren't supported by adequate staffing levels and rest breaks. We're only human after all. Nurses shouldn't be penalized when they make a mistake brought on by a faulty system and lack of support and oversight.

Protecting nurses from criminal liability will also encourage nursing staff to report errors made in the course of care. By doing this, they will help repair that broken system that let them down in the first place. We need these reported errors to identify where the system is not working, and where change can be made. When a server goes down at an IT firm, the tech who reports the error isn't punished. Instead, the team identifies the underlying problem and creates a solution to prevent that issue from occurring again. The same standard should be expected in health care. Unfortunately, nurses are afraid of criminal prosecution and loss of their license if they report errors by themselves or others. This bill would change that culture and encourage an environment of change and growth, not one of fear and isolation.

Let me emphasize the following – this bill would not protect a nurse who knowingly committed an error with intent to harm. This bill is not meant to be an umbrella of protection no matter the situation. If a nurse has knowingly harmed a patient, they will be held accountable. Licensing boards and civil courts, not criminal courts, are the appropriate outlets to investigate and handle errors when they occur. This piece of legislation is meant to give nursing staff peace of mind when they report mistakes in care and errors in the system.

House Bill 2919 is a small, but crucial step to addressing nursing workforce burnout and their workplace concerns. I urge you to pass this bill.

Thank you.

State Representative Travis Nelson
House District 44, North/NE Portland