



*Lisa Musielewicz*

***Bill Analysis***  
*Legislative Service Commission*

## **H.B. 287**

126th General Assembly  
(As Introduced)

**Reps. Aslanides, Kearns, Carmichael, Gibbs, Perry, McGregor, Dolan,  
Collier, Hood, Beatty, Reidelbach**

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### **BILL SUMMARY**

- Provides that a freestanding birthing center owned and operated by a religious sect is not required to be licensed if (1) requiring licensure significantly abridges or infringes on the religious practices or beliefs of the sect, (2) the center provides care only during low-risk pregnancy, delivery, and the immediate postpartum period exclusively to women who are members of the sect, (3) the center monitors and evaluates the care provided to its patients in accordance with at least minimum patient safety monitoring and evaluation requirements, and (4) the center meets quality assessment and improvement standards.
- Authorizes the Director of Health to issue an order requiring a freestanding birthing center to resume monitoring and evaluating the care provided to its patients in accordance with at least the minimum patient safety monitoring and evaluation requirements or to come back into compliance with the quality assessment and improvement standards.
- Provides that the Director may issue a second order requiring the freestanding birthing center to cease operations until it obtains a license if the center fails to take the action required by the previous order.

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## CONTENT AND OPERATION

### Exemption from licensing requirement

(R.C. 3702.30(E)(1) and 3702.301(A))

Current law prohibits certain health care facilities from operating without a license issued by the Director of Health. Among the health care facilities for which a license is required are freestanding birthing centers. Although the law governing the licensing of health care facilities does not define the term "freestanding birthing center," law governing certificate of needs defines the term as any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility, and that is not licensed as a level one, two, or three maternity unit or a limited maternity unit.<sup>1</sup>

The bill establishes an exception to the requirement that freestanding birthing centers obtain a license from the Director of Health. A freestanding birthing center is not required to obtain a license if all of the following are the case:

- (1) A religious denomination, sect, or group owns and operates the center;
- (2) Requiring that the center be licensed significantly abridges or infringes on the religious practices or beliefs of that religious denomination, sect, or group;
- (3) The center provides care only during low-risk pregnancy, delivery, and the immediate postpartum period exclusively to women who are members of that religious denomination, sect, or group;
- (4) The center monitors and evaluates the care provided to its patients in accordance with at least the minimum patient safety monitoring and evaluation requirements established in rules the bill requires the Director of Health to adopt;
- (5) The center meets the quality assessment and improvement standards in rules adopted by the Director.

### Compliance orders

(R.C. 3702.301(B) and (C))

The bill authorizes the Director of Health to take action against a freestanding birthing center that fails to continue to comply with the requirement

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<sup>1</sup> Revised Code § 3702.51.

that it monitor and evaluate the care provided to its patients in accordance with at least the minimum patient safety monitoring and evaluation requirements established in the rules or the requirement that the rules' quality assessment and improvement standards be met. The action the Director is authorized to take is to issue an order requiring the center to resume the monitoring and evaluation or to come back into compliance with the quality assessment and improvement standards. In the order, the Director may identify what the center has failed to do and what the center needs to do and require that the center take the required action within a time specified in the order. The Director also may require the center to provide the Director with written notice within a time specified in the order that contains (1) certification that the center has taken the required action, (2) the signature of the center's administrator or medical director and certification that the administrator or medical director, whichever signs the notice, is the center's authorized representative, (3) certification that the information in the notice and any accompanying documentation are true and accurate, and (4) any other information or documentation that the Director may require to verify that the center has taken the required action. If the Director issues the order and the center fails to take the required action within the required time, the Director is permitted to issue a second order that requires the center to cease operations until it obtains a license from the Director.

### **Rules**

(R.C. 3702.301(D))

The Director is required to adopt rules as necessary to implement the exemption from the requirement that freestanding birthing centers obtain a license. The rules are to be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.). Among the rules discussed above regarding minimum patient safety monitoring and evaluation requirements and quality assessment and improvement standards, the rules must also establish procedures for determining whether a center is in compliance with the rules.

### **Quality Monitoring and Inspection Fund**

(R.C. 3702.31)

The Quality Monitoring and Inspection Fund is an existing fund in the state treasury. The Director of Health is required to use the fund to administer and enforce certain of the Director's statutory duties, including the licensing of freestanding birthing centers and other health care facilities. The bill adds a new use for the fund: to administer and enforce the bill's exemption for freestanding birthing centers from licensure requirements.

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**HISTORY**

| ACTION     | DATE     | JOURNAL ENTRY |
|------------|----------|---------------|
| Introduced | 06-01-05 | p. 889        |