



# Ohio Legislative Service Commission

## Bill Analysis

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### Sub. H.B. 123

130th General Assembly  
(As Passed by the House)

**Reps.** Gonzales and Wachtmann, J. Adams, Brenner, Henne, McClain, Williams, Young, Bishoff, Brown, Schuring, Anielski, Antonio, Baker, Boose, Buchy, Budish, Burkley, Duffey, Hackett, Hill, Johnson, Letson, Phillips, Romanchuk, Sears, Sprague, Batchelder

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## BILL SUMMARY

- Requires the Office of Medical Assistance to adopt rules establishing Medicaid reimbursement standards for the provision of telehealth services.
- Specifies that the following are included in the laws pertaining to the proceedings of peer review committees of health care entities: accountable care organizations; hospital groups owned, sponsored, or managed by single entities; and combinations of health care entities.
- Provides that the release of any information produced or presented during peer review committee proceedings, or created to document such proceedings, does not affect the confidentiality of any other information produced or presented during such proceedings or created to document them.
- Specifies that the laws governing the confidentiality of peer review committee records do not preclude health care entities from sharing information, as long as the information is used only for peer review purposes.

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## CONTENT AND OPERATION

### Medicaid coverage of telehealth services

The bill requires the Office of Medical Assistance (OMA) to adopt rules establishing standards for Medicaid reimbursement for health care services OMA determines to be appropriate for Medicaid coverage when provided as telehealth

services.<sup>1</sup> The recently enacted main operating budget, Am. Sub. H.B. 59 of the 130th General Assembly, transferred the duties of OMA to the new Department of Medicaid.

The bill defines "telehealth service" as a health care service delivered to a patient from a site other than the site where the patient is located through the use of interactive audio, video, or other telecommunications or electronic technology.<sup>2</sup>

### **Health care peer review committees**

Current law authorizes health care entities to establish peer review committees for certain purposes, including utilization review, quality assessment, performance improvement, and credentialing.<sup>3</sup> The bill specifies that each of the following is included within this authority: (1) an accountable care organization (ACO), (2) a group of hospitals owned, sponsored, or managed by a single entity, and (3) any combination of the health care entities specified in either current law or the bill.<sup>4</sup>

In the case of ACOs, the bill specifies that the law pertaining to peer review committees applies to ACOs, as defined in federal regulations applicable to the Medicare Shared Savings Program. This program promotes accountability for patient populations, coordinates items and services under Medicare Parts A and B, and encourages investment in infrastructure and redesigned care processes for high quality and efficient services. Under the regulations, "accountable care organization" is defined as a legal entity that is recognized and authorized under applicable state, federal, or tribal law; is identified by a taxpayer identification number; and is formed by one or more ACO participants. Examples of ACO participants include health care professionals in group practice arrangements, networks of individual practices of health care professionals, and federally qualified health centers.<sup>5</sup>

### **Confidentiality of records and proceedings**

Current law provides that the proceedings and records within the scope of a peer review committee of a health care entity are to be held in confidence and are not subject to discovery or introduction into evidence in any civil action against a health care entity or provider. Information, documents, or records produced or presented during

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<sup>1</sup> R.C. 5111.021(B).

<sup>2</sup> R.C. 5111.0216(A).

<sup>3</sup> R.C. 2305.25(E).

<sup>4</sup> R.C. 2305.25(A) and (B).

<sup>5</sup> R.C. 2305.25(I); 42 Code of Federal Regulations 425.10, 425.20, and 425.102(b).



committee proceedings may be released, but only if they are available from the original sources; they cannot be obtained from the committee's proceedings or records.<sup>6</sup>

The bill further provides that the release of any information, documents, or records produced or presented during peer review committee proceedings, or created to document such proceedings, does not affect the confidentiality of any other information, documents, or records produced or presented during such proceedings or created to document them. Under the bill, only the information, documents, or records actually released cease to be privileged.<sup>7</sup>

The bill also specifies that health care entities are not precluded from sharing information, documents, or records that were produced or presented during peer review committee proceedings, or created to document such proceedings, as long as the information, documents, or records are used only for peer review purposes.<sup>8</sup>

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## HISTORY

| ACTION                      | DATE     |
|-----------------------------|----------|
| Introduced                  | 04-10-13 |
| Reported, H. Health & Aging | 06-12-13 |
| Passed House (95-3)         | 06-26-13 |

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<sup>6</sup> R.C. 2305.252.

<sup>7</sup> R.C. 2305.252.

<sup>8</sup> R.C. 2305.252.

