



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 315 of the 130th G.A. **Date:** January 16, 2014
Status: As Reported by House Health and Aging **Sponsor:** Rep. Wachtmann

Local Impact Statement Procedure Required: No

Contents: Requires reports to the Department of Health regarding newborns diagnosed as opioid dependent, updates the chemical name of a type of controlled substance, and specifies that boards of health may grant variances from and waivers of the rules for maternity homes

State Fiscal Highlights

- The Ohio Department of Health (ODH) may experience an increase in administrative costs related to establishing standards and procedures for reporting newborn opioid dependence information to ODH, as well as the collection and summarization of the information into a report which will be made available to the public.
- ODH may experience an increase in administrative costs related to adopting rules regarding variance or waiver application forms to be used, reviewing notices of appeal, and making determinations to either affirm a board's denial or grant a variance or waiver.
- ODH may realize a decrease in the number of requests for waivers or variances received from maternity homes, which could reduce costs for ODH.

Local Fiscal Highlights

- Local public hospitals may realize an increase in administrative costs related to tracking the instances of newborns who are diagnosed as opioid dependent at birth, as well as submitting the required information to ODH.
- Local boards of health that receive variance or waiver requests from maternity homes may experience an increase in costs related to reviewing applications and making determinations.

Detailed Fiscal Analysis

Reporting of newborn opioid dependence

The bill requires each maternity unit, newborn care nursery, and maternity home to report to ODH within 30 days after the end of each calendar quarter the number of newborns who were diagnosed as opioid dependent at birth in the previous quarter. Public hospitals may experience an increase in costs related to tracking the instances of opioid dependent newborns and the submission of the required information to ODH. The bill requires the Director of Health to establish standards and procedures for the submission and collection of the forms. The bill specifies that the information reported cannot be used for law enforcement purposes or disclosed to law enforcement authorities. Once the information is collected, ODH must compile and make a summary of the information reported, which will be made available to the public within 90 days after the end of each calendar year.

ODH may experience administrative costs related to establishing standards and procedures for the submission of the information to ODH, as well as collecting the forms and summarizing the information which will be made available to the public. According to ODH, annual costs will include database development, data entry, follow-up with noncompliant hospitals, and analysis and summary of the reported information.

Maternity home variance and waiver requests

The bill authorizes a local board of health to grant a variance from or waiver of any of the requirements established in rules regarding the operation of a maternity home. Under the bill, a variance may be granted to an applicant the board of health determines that the intent of a requirement has been met by the applicant in an alternate manner. A waiver may be granted if the board of health determines that strict application of a requirement would cause an undue hardship to the applicant and that granting the waiver would not jeopardize the health and safety of any patient or resident. The bill requires the ODH to adopt rules regarding application forms to be used and procedures to be followed in applying for a variance or waiver.

The board of health is to review all applications received. Not later than 45 days after receiving an application, the board must determine whether to grant the variance or waiver and must notify the applicant in writing of the board's decision. The Director of Health may void a board's decision to grant a variance or waiver, but must notify the board and the maternity home in writing within 45 days of the decision to void. If a board denies a variance or waiver requested by a maternity home, the home may file a notice of appeal with the Director within 30 days after the denial. Not later than 45 days after the notice of appeal is filed, the Director must either affirm the board's denial or grant the variance or waiver. The Director will notify the board and the maternity home in writing of the Director's decision.

Local boards of health that receive variance or waiver requests from maternity homes may experience an increase in costs related to reviewing applications and making determinations. ODH currently reviews waiver and variance requests under administrative rule. ODH may experience an increase in administrative costs related to adopting rules regarding application forms to be used and procedures to be followed. ODH may also realize an increase in administrative costs to review notices of appeal, make determinations to either affirm a board's denial or grant a variance or waiver, and to void a board's granting of a variance or waiver. However, with the provision authorizing local boards to grant variances and waivers, ODH may realize a decrease in the number of requests received from maternity homes for waivers or variances, which could reduce costs for ODH.

The bill also updates the chemical name for a type of controlled substance. There is no fiscal effect related to this provision for the state or local political subdivisions.

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