



# Ohio Legislative Service Commission

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## Synopsis of Senate Committee Amendments\*

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### **Sub. H.B. 303**

129th General Assembly  
(S. Rules and Reference)

## **Ohio Board of Nursing**

### **Nurse Education Grant Program**

For purposes of the Nurse Education Grant Program the Nursing Board administers under current law, (1) authorizes the Board to award grants to nurse education programs that have partnerships with patient centered medical homes, and (2) extends the scheduled repeal of the Program from December 31, 2013, to December 31, 2023, and thereby also extends the period during which the Board may dedicate \$10 of each biennial renewal fee to the Program.

### **Disciplinary actions**

Authorizes the Nursing Board to take disciplinary action against a license or certificate holder for the denial, revocation, suspension, or restriction of authority to engage in any licensed profession (not just a health care profession), for any reason other than failure to renew, in Ohio or another state or jurisdiction.

### **Scope of practice of certified nurse practitioners**

Authorizes certified nurse practitioners to provide services for acute illnesses.

### **Scope of practice of licensed practical nurses**

Restores a provision (eliminated by the House-passed version) prohibiting a licensed practical nurse from changing tubing on any IV line, including an arterial line or a central venous line.

Eliminates a provision that specifies the populations for which licensed practical nurses may perform dialysis care.

\* This synopsis does not address amendments that may have been adopted on the Senate Floor.

## **Certificate to prescribe requirements**

### **Instruction on schedule II controlled substances for certain applicants**

Relative to an applicant for a certificate to prescribe who completed the required course of study in advanced pharmacology and related topics before the bill's effective date, specifies that the Nursing Board may accept completion of instruction on schedule II controlled substances regardless of the form in which it was completed, including an Internet-based program (in lieu of planned classroom and clinical instruction), as long as the instruction meets all other requirements established by the Board in rules for this component of the course of study.

### **Externship exemptions for out-of-state or federally employed APRNs**

Relative to an advanced practice registered nurse (APRN) with prescriptive authority in at least one other jurisdiction or who was employed by the U.S. government and who is seeking a certificate to prescribe in Ohio, eliminates a provision requiring the APRN to submit to the Nursing Board documentation from a licensed physician (in a form acceptable to the Board) demonstrating that the APRN's prescribing component of his or her former practice was overseen or supervised by (1) a licensed physician in the other jurisdiction, or (2) a licensed physician employed by the U.S. government, as applicable.

## **Pediatric respite care programs**

Requires the Ohio Department of Health to regulate pediatric respite care programs, which are programs that provide services to patients under age 27 who have been diagnosed before age 18 with life-threatening diseases or conditions that shorten life expectancy.

Establishes a licensing process for pediatric respite care programs that is similar to the Department's existing licensure process for hospice care programs.

Names the licensing provisions as "Sarah's Law."

## **Methadone treatment programs**

Modifies licensure requirements for methadone treatment programs to specify that treatment cannot be maintained within a 500-foot radius of a public or private school, licensed day-care center, or other child-serving agency.

Relative to license applications pending on the date the 500-foot proximity requirement takes effect, requires the Ohio Department of Alcohol and Drug Addiction Services (ODADAS) to apply the requirement when determining whether to issue the license.

Permits ODADAS to waive the proximity requirement if it receives, from each public or private school, licensed day-care center, or other child-serving agency within a 500-foot radius of the entity, a letter of support for the location that is satisfactory to ODADAS.

Prohibits ODADAS from considering the proximity requirement when determining whether to renew, withdraw, or revoke a license issued before the effective date of the requirement.

### **Dietitian professional associations**

Replaces references to the American Dietetic Association and Ohio Dietetic Association with references to the Academy of Nutrition and Dietetics and Ohio Academy of Nutrition and Dietetics, respectively, to reflect recent changes in the names of these professional organizations.

Recognizes successor organizations of the national and state professional organizations described above.

### **Nursing facility Medicaid rates**

#### **Rates for nursing facility services**

Continues a 5.08% increase to nursing facilities' costs per case-mix units and rates for ancillary and support costs, tax costs, and capital costs until the Office of Medical Assistance first redetermines such costs and rates in a rebasing process.

Provides for the Medicaid payment rate for nursing facility services provided to low resource utilization residents to continue to be \$130 per Medicaid day.

#### **Rates for services under the Integrated Care Delivery System**

Requires a managed care organization (MCO) to pay a skilled nursing facility the current Medicare fee-for-service rate for skilled nursing facility services provided to an individual who is eligible for Medicare and Medicaid (a dual eligible individual) and participating in the Integrated Care Delivery System (ICDS) if (1) the MCO is responsible for the payment under a contract that the MCO, Medical Assistance Director, and United States Secretary of Health and Human Services jointly enter into under the ICDS, (2) the U.S. Secretary agrees to the payment rate as part of the contract, (3) the MCO receives a federal capitation payment that is an actuarially sufficient amount for the costs that the MCO incurs in paying the rate, (4) no state funds are used for any part of the costs that the MCO incurs in paying the rate, and (5) the ICDS provides for dual eligible individuals to receive the services as part of the ICDS.

## **ICF/IID resident assessments**

Permits the Ohio Department of Developmental Disabilities to conduct or contract with another entity to conduct, for the first quarter of calendar year 2013, assessments of all residents of each intermediate care facility for individuals with intellectual disabilities (ICF/IID).

Provides for the resident assessments to be used in determining ICFs/IID's case-mix scores for the first quarter of calendar year 2013.

## **Volunteer behavioral health care professional's immunity from liability**

Expands the list of persons who receive qualified immunity from civil liability for providing health care services on a volunteer basis, subject to certain limitations, to include professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, marriage and family therapists, psychologists, independent chemical dependency counselors, chemical dependency counselors III, chemical dependency counselors II, and chemical dependency counselors I.

## **Emergency clause and delayed effective dates**

Declares the bill to be an emergency measure, but applies the bill's resulting immediate effective date only to the bill's provisions that pertain to methadone treatment programs, instruction on schedule II controlled substances for certain APRNs seeking prescriptive authority, and assessments of residents of intermediate care facilities for individuals with intellectual disabilities (ICFs/IID).

Specifies that all other provisions except for the provisions pertaining to nursing facilities' Medicaid rates take effect 90 days after the bill's effective date

Specifies that the bill's provisions pertaining to nursing facilities' Medicaid rates take effect July 1, 2013.

## **Technical and conforming changes**

Makes technical and conforming changes.