



Ohio Legislative Service Commission

Synopsis of Senate Committee Amendments*

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Sub. H.B. 394

130th General Assembly
(S. Medicaid, Health, & Human Services)

As described below, modifies the House-passed provisions regarding the authority of pharmacists and pharmacy interns to administer immunizations and adds a number of other provisions regarding various health-related matters.

Immunizations by pharmacists and pharmacy interns

Limits, for immunizations except influenza, a pharmacist or pharmacy intern's authority to immunize an individual between seven and thirteen years old to circumstances where there is a prescription for the immunization.

Requires the Department of Health to prepare a report detailing the feasibility of requiring all individuals who administer vaccines in Ohio to submit immunization administration information to the Department's statewide immunization registry (Impact SIIS).

Mandatory child care immunizations

Requires that the caretaker parent of a child enrolled in a licensed child care facility or receiving childcare from a certified in-home aide provide to the facility or aide a medical statement indicating that the child has been immunized against specified diseases.

Provides for certain exceptions to the mandatory immunizations, including that an immunization is medically contraindicated or inappropriate for the child's age or that the child's parent or guardian objects based on reasons of conscience or religious convictions.

Dense Breast Tissue

Requires a mammography facility to include certain information in a patient's mammogram summary if the patient's mammogram demonstrates the presence of dense breast tissue.

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

Safe sleep for infants

Education program

Requires the Ohio Department of Health (ODH) to establish the Safe Sleep Education Program, and specifies that it operate in a manner similar to the existing Shaken Baby Syndrome Education Program.

Requires facilities and locations that must participate in the Safe Sleep Education Program and that have infants regularly sleeping at them to adopt an internal infant safe sleep policy.

Requires the ODH Director to adopt a model internal infant safe sleep policy that facilities may use when implementing their own policies.

Infant safe sleep screening procedures

Requires freestanding birthing centers and certain hospitals ("facilities") to implement an infant safe sleep screening procedure for the purpose of assessing whether an infant will have a safe crib or other suitable place to sleep in once discharged from the facility to the infant's residence following birth.

Requires the ODH Director to develop questions that a facility may use when implementing an infant safe sleep screening procedure.

Subject to certain exceptions, requires a facility to make a good faith effort to arrange for an infant's parent, guardian, or caregiver to obtain a safe crib or other suitable sleeping place at no charge if the facility determines through screening that the infant is unlikely to have a suitable place to sleep.

Specifies the means by which a facility may comply with the safe crib requirement described above.

Requires facilities to report to ODH information concerning their compliance with the safe crib requirement.

Annually beginning July 1, 2015, requires the ODH Director to submit a report to the Governor and General Assembly summarizing the information that has been reported by facilities in the preceding 12 months.

Immunity

Grants qualified civil immunity to an entity, person, or facility (or any facility employee, contractor, or volunteer), and specifies that any of the foregoing is not subject to criminal prosecution or professional disciplinary action, as applicable, for an act or

omission associated with complying with the bill's provisions on the Safe Sleep Education Program and infant safe sleep screening procedures.

Grants absolute immunity from civil liability, as well as immunity from criminal prosecution, to a facility and any facility employee, contractor, or volunteer for injury, death, or loss to person or property that allegedly arises from a crib or other suitable sleeping place obtained by a parent as a result of any action taken to comply with the bill.

Associated with the absolute immunity provision described above, specifies that a provision in existing law granting only qualified immunity to agencies that distribute consumer goods does not apply.

Commission on Infant Mortality

Creates the 15-member Commission on Infant Mortality and specifies the Commission's duties.

Shaken baby syndrome

Education program

Makes technical and conforming changes to the statutes governing the Shaken Baby Syndrome Education Program, collectively known as "Claire's Law."

Pharmacy Board and drug offenses

Ohio Automated Rx Reporting System (OARRS)

Modifies the circumstances when prescribers are required to review patient information in OARRS.

Opioid prescriptions for minors

Specifies that an emergency facility is not required to obtain written parental consent for an opioid prescription when treating a minor.

Semiannual opioid prescription report

Requires the State Board of Pharmacy to submit a semiannual report to the Governor, legislative leaders, and others regarding aggregated opioid prescription information currently being submitted to OARRS by pharmacies and prescribers.

Criminal offense – "corrupting another with drugs"

Expands the offense of corrupting another with drugs to include within the offense a prohibition against knowingly furnishing or administering to a pregnant woman, or inducing or causing a pregnant woman to use, a controlled substance when the offender knows that the woman is pregnant or is reckless in that regard.

Increases the penalty for corrupting another with drugs if a person violates the prohibition described above.

Radiologic professionals

Authorizes ODH to reinstate an individual's inactive or lapsed license to practice as a general x-ray machine operator, radiographer, radiation therapy technologist, or nuclear medicine technologist.

Specifies that an individual may apply for license reinstatement even if the individual had applied for a new license under pre-existing rules and that application was denied.

Lyme disease testing notice

Repeals provisions that require a dentist, advanced practice registered nurse, physician assistant, or physician, when ordering a test for the presence of Lyme disease in a patient, to provide the patient or patient's representative with certain information regarding Lyme disease testing.

Nursing facilities' Medicaid provider agreement terms

Allows a nursing facility to continue, on and after January 1, 2015, to exclude one or more parts from its Medicaid provider agreement if certain conditions are met.

Allows a nursing facility to continue, on and after January 1, 2015, to refuse to admit an individual who is or may become a Medicaid recipient if at least 25% (rather than 80%) of its Medicaid-certified beds are occupied by Medicaid recipients at the time the individual would otherwise be admitted.

Parks and camps

Exempts certain motorsports parks from the requirement to obtain a license under the Recreational Vehicle Parks, Recreation Camps, Combined Park-Camps, and Temporary Park-Camps Law for participant-only areas during preparation for and operation of a motor sports racing event.

Authorizes the Director of Health to grant a waiver or variance from the Law or rules adopted under it.

Effective dates

Declares an emergency and establishes the following delayed effective dates:

- For the bill's provisions regarding radiologic professionals and nursing facilities – January 1, 2015;
- For the remaining provisions – 90 days after the bill's effective date.

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