

Health

H.B. 11

Primary Sponsors: Reps. G. Manning and Howse

Effective date: September 18, 2020; appropriations effective June 19, 2020

- Requires state employee health care benefit plans, the Medicaid program, and Medicaid managed care organizations to cover certain tobacco cessation medications and services.
- Requires the Ohio Department of Health (ODH) to establish a grant program for the provision of group-based prenatal health care services to pregnant Medicaid recipients residing in areas with high preterm birth rates.
- Appropriates \$5 million in FY 2021 for the grant program.
- Permits the Ohio Department of Medicaid (ODM) to establish a dental program under which pregnant Medicaid recipients may receive two dental cleanings a year.
- Requires ODH to develop educational materials concerning lead-based paint and distribute them to families who participate in its Help Me Grow Program and reside in homes built before 1979.
- Increases ODM appropriations by a total of \$279.6 million in FY 2020 to reflect the temporary federal medical assistance percentage increase by the federal Families First Coronavirus Response Act.

H.B. 151

Primary Sponsor: Rep. Carfagna

Effective date: Emergency: November 22, 2020; Sections 4 and 5 (amending H.B. 606 of the 133rd General Assembly) effective December 16, 2020

Chiropractic Loan Repayment Program

- Creates the Chiropractic Loan Repayment Program under which the Department of Health may repay a chiropractor's student loan if the chiropractor agrees to provide services for a specified period in a chiropractic health resource shortage area.
- Establishes the Chiropractic Loan Repayment Advisory Board and requires the Department to administer the program in cooperation with the Board.
- Establishes the Chiropractic Loan Repayment Fund and requires \$25 from each chiropractic license renewal fee to be credited to the fund.

Animal chiropractic

- Authorizes a chiropractor who is an animal chiropractic practitioner to practice animal chiropractic without supervision from a licensed veterinarian.
- Defines the scope of animal chiropractic, including limitations and duties.
- Requires animal chiropractic practitioners to register with the State Chiropractic Board.

State Chiropractic Board

- Revises certain other laws related to the Chiropractic Board, including provisions regarding acupuncture certificates, Board meetings, and the election of officers.

Soliciting professional employment

- Authorizes certain health care practitioners and persons acting on their behalf to contact a party to a car accident to solicit employment, beginning 24 hours after an accident, via a limited number of telephone, email, text message, or letter contacts, in place of the 30-day prohibition that continues to apply to contacting crime victims and witnesses.
- Provides that the limitation does not apply if the party being solicited was a previous purchaser of services from the health care professional and other conditions are met.
- Removes the Attorney General's authority to (1) enforce the communication restrictions in the act and those in continuing law and (2) impose fines for violations.

General qualified civil immunity

- Clarifies the effect of government orders on the temporary civil immunity, granted by H.B. 606 of the 133rd General Assembly, for injuries caused by the transmission or contraction of or exposure to certain viruses.

Health care isolation centers

- Through September 30, 2021:
 - Establishes a new, temporary qualified civil immunity for health care isolation centers providing services to patients during a declared disaster or emergency.
 - Grants immunity from tort liability and professional discipline for the services provided as a result of and in response to a disaster or emergency that result in injury, death, or loss allegedly resulting from (1) actions, omissions, or decisions related to those services and (2) compliance with an executive order or director's order.
 - Grants immunity from tort liability and professional discipline for injury, death, or loss allegedly resulting because a health care isolation center was unable to treat a person due to an executive or director's order or a local health order issued in relation to a public health emergency.
- Excludes from immunity in tort actions conduct that constitutes a reckless disregard of the consequences or intentional, willful, or wanton misconduct.

- Excludes from immunity in professional disciplinary actions conduct that constitutes gross negligence.
- Excludes from immunity conduct outside the skills, education, or training of the health care isolation center, unless undertaken in good faith in response to a lack of resources caused by a disaster or emergency.

Emergency medical services in additional settings

- Until July 1, 2021, expands the authority of a first responder, emergency medical technician-basic, emergency medical technician-intermediate, and emergency medical technician-paramedic to perform emergency medical services in any setting, including in any area of a hospital, subject to direction and supervision.
- Provides qualified immunity from damages in a civil action for injury, death, or loss to person or property resulting from the administration of emergency medical services as authorized by the act, except for willful or wanton misconduct.

H.B. 203

Primary Sponsor: Rep. Lipps

Effective date: December 16, 2020

- Requires a mobile dental facility operator, who must be a dentist, to provide specified information to patients, the State Dental Board, and treatment venues.
- Modifies the authority of pharmacists to enter into consult agreements for managing patient drug therapies by (1) authorizing agreements with advanced practice registered nurses or physician assistants (rather than only physicians) and (2) permitting any laboratory or diagnostic test to be ordered (rather than only blood or urine tests).

H.B. 210

Primary Sponsor: Rep. Carruthers

Effective date: April 12, 2021

Tuberculosis – preschool and day-care

- Requires licensed preschool programs and child day-care centers to screen prospective employees for tuberculosis.
- Requires a prospective employee who resided in a country having a high burden of tuberculosis within the previous five years to be tested for the disease.
- Prohibits a program or center from employing a person infected with active tuberculosis until he or she submits evidence of having completed treatment and being free of the disease.

- Permits a program or center to employ a person who tests positive for latent tuberculosis so long as the person receives treatment and submits periodic evidence of complying with the treatment regimen.
- Requires the Department of Job and Family Services, in certain conditions, to release information regarding publicly funded child care recipients to the Department of Health or a tuberculosis control unit for public health investigations related to tuberculosis.

Radiation rules; radiation technology professionals

- Authorizes the Director of Health, when adopting rules governing Ohio's Radiation Control Program, to deviate from the Suggested State Regulations for Control of Radiation if doing so is warranted and does not pose a health, environmental, or safety risk.
- Specifies that one of the activities radiographers and nuclear medicine technologists are licensed to perform is to document orders for contrast and radio-pharmaceuticals, respectively, in patient medical records.
- Requires a radiographer and a nuclear medicine technologist to practice in a manner that is consistent with a definitive set of treatment guidelines approved by the clinical leadership of the institution where the radiographer or technologist practices.

Exemption from mobile dental facility requirements

- Specifies that notification requirements enacted in H.B. 203 of the 133rd General Assembly do not apply to a mobile dental facility that is under the control or management of certain school entities, local boards of health, or Department of Health contractors recognized by the Dental Board.

H.B. 287

Primary Sponsors: Reps. Russo and Perales

Effective date: September 15, 2020

- Requires each home and community-based services Medicaid waiver component to reserve a portion of its participant capacity for eligible individuals whose spouse, parent, or legal guardian is an active duty military member who recently transferred to Ohio.

H.B. 341

Primary Sponsor: Rep. Ginter

Effective date: December 16, 2020

Addiction treatment

- Authorizes a pharmacist to administer by injection any long-acting or extended-release addiction treatment drug prescribed by a physician.

- Exempts from State Board of Pharmacy office-based opioid treatment licensure those facilities in which addiction treatment drugs are administered only on-site and directly by prescribers.
- Provides that a patient whose addiction treatment drugs are administered on-site directly by a prescriber is not to be counted when determining whether a facility offering office-based opioid treatment is required to be licensed by the Pharmacy Board.

OARRS

- Authorizes the Pharmacy Board to provide information from its Ohio Automated Rx Reporting System (OARRS) to a prescriber or pharmacist participating in a prescription monitoring program operated by a federal agency if certain conditions are met.

Open meetings exemption

- Expands and clarifies the Pharmacy Board's exemption from the open meetings requirement as related to certain actions the Board may take without a prior hearing.

Naloxone access

- Exempts from licensure as a terminal distributor of dangerous drugs a service entity that possess naloxone in order to permit an employee, volunteer, or contractor to personally furnish a supply of naloxone pursuant to a protocol established by a prescriber or board of health.
- Authorizes a terminal distributor to acquire a supply of naloxone, and to maintain the supply at an alternative location, to use in emergency situations and to distribute through an automated mechanism.
- Authorizes any person to access naloxone maintained by a terminal distributor and to administer it to an individual who appears to be experiencing an opioid-related overdose.
- Authorizes certain advanced practice registered nurses and physician assistants to develop protocols to permit individuals and employees of service entities to personally furnish or administer naloxone.
- Requires the Pharmacy Board to develop a program to educate certain license holders and others about the authority of pharmacists and pharmacy interns to dispense naloxone without a prescription.
- Specifies that a family member, friend, or other individual who assists an individual who is experiencing an opioid-related overdose is not liable for damages in a civil action related to providing that assistance.

Occasional sales at wholesale

- Extends to licensed terminal distributors of dangerous drugs that are not pharmacies the authority to sell occasionally at wholesale investigational drugs or products or certain prescription drugs, but only if authorized by rules adopted by the Pharmacy Board.

Hemp and hashish

- Alters the definition of “hashish” to clarify that it can be derived from not only marijuana, but also any part of a cannabis plant (which includes hemp), and that it must have a delta-9 tetrahydrocannabinol concentration of more than 0.3%.
- Specifies that “hashish” does not include a hemp byproduct that a licensed hemp processor produces, stores, or disposes of in accordance with the Hemp Law.

H.B. 412

Primary Sponsors: Reps. Clites and Ginter

Effective date: Emergency: Emergency Response Commission’s authority to exempt local exercises is effective December 21, 2020; establishment of Rare Disease Advisory Council is effective March 24, 2021

- Establishes the Rare Disease Advisory Council.
- Requires the Department of Health to publish periodic reports detailing the incidence of rare diseases in Ohio.
- Authorizes the Emergency Response Commission to exempt, for a period of one year, a local emergency planning committee from conducting an exercise of its chemical emergency response and preparedness plan if conducting the exercise is likely to affect public health or safety or the environment.

S.B. 27

Primary Sponsor: Sen. Uecker

Effective date: April 6, 2021 (but application of prohibitions delayed until the Director of Health adopts rules)

General requirement for cremation or interment

- Requires the final disposition of fetal remains from a surgical abortion to be by cremation or interment.
- Defines “fetal remains” as the product of human conception that is aborted and if a woman is carrying more than one zygote, blastocyte, embryo, or fetus, each one, or any of its parts that is aborted, is a separate product of human conception that has been aborted.

Disposition determination

- Grants a pregnant woman who has a surgical abortion the right to determine (1) whether the disposition of the fetal remains will be by cremation or interment, and (2) the location for the final disposition.

- Requires a pregnant woman who has a surgical abortion to be provided a notification form informing the pregnant woman of the right to determine the final disposition of fetal remains and the available methods and locations for disposition.
- Requires the pregnant woman, if she desires to exercise these rights, to certify before an abortion that she received the notification form and made a determination in writing using the act's detachable supplemental form to the abortion informed consent form.
- Provides that if the woman chooses not to exercise her rights, the abortion facility that performed the surgical abortion will determine whether the final disposition will be by cremation or interment.
- Requires parental consent by a parent, guardian, or custodian for a final disposition determination if the pregnant woman is under 18, unmarried, and unemancipated, unless a court has issued an order authorizing consent to the abortion.
- Requires the Director of Health to prescribe the detachable supplemental form, appended to the abortion informed consent form, to include the following information:
 - Whether the pregnant woman has indicated a method of disposition, and the preferred method selected;
 - Whether the pregnant woman has indicated a preference as to the location of disposition of the fetal remains;
 - The signature of the physician inducing or performing the abortion;
 - A medical identification number for the woman (not a printed name or signature).
- Requires, if a pregnant woman is carrying more than one zygote, blastocyte, embryo, or fetus, that each one aborted must be represented on its own form for abortion informed consent and the determination of the disposition of the remains or parental consent to the disposition.

Abortion facility requirements

- Prohibits an abortion facility from releasing fetal remains until the facility obtains a final disposition determination or parental consent to the determination.
- Permits an abortion facility to arrange for the cremation or interment of fetal remains if the final disposition determination has been made or consented to.
- Requires an abortion facility to document in the woman's medical record the final disposition determination and, if applicable, parental consent to the determination.
- Requires an abortion facility to have written policies and procedures for cremation or interment of fetal remains from surgical abortions performed or induced in the facility.
- Requires an abortion facility to develop and maintain a written list of locations at which it provides or arranges for the final disposition of fetal remains from surgical abortions.

- Requires an abortion facility to pay for the cremation or interment of the fetal remains in locations provided by the facility.
- Provides that if the pregnant woman’s final disposition determination specifies a location for final disposition that is not provided by the facility, she is responsible for the costs related to the disposition at her chosen location.

Abortion informed consent expansion

- Expands abortion informed consent requirements with respect to the 24-hour pre-abortion physician meetings and the consent forms to include zygote and blastocyte abortions.

Abortion report

- Requires the attending physician for the abortion, when completing an individual “abortion report” required under law retained by the act, to include the method of final disposition of the fetal remains from a surgical abortion.
- Expands the individual abortion report and annual abortion report to require a report on the number of zygotes, blastocytes, embryos, and fetuses aborted and the number for each woman, rather than just the number of abortions under previous law.
- Requires an abortion facility to maintain evidentiary documentation demonstrating the date and method of the disposition of all fetal remains from abortions performed or induced there.

Additional provisions regarding cremation

- Requires the cremation of fetal remains from a surgical abortion to be performed in a crematory facility subject to state regulation.

Rules

- Requires the Director to adopt rules by July 6, 2021, necessary to carry out the act’s provisions, including rules that prescribe:
 - The notification form informing the pregnant woman of the right to determine the final disposition of fetal remains and the available methods and locations for disposition;
 - The parental consent form;
 - A detachable supplemental form to the abortion informed consent form on which a pregnant woman is to make a final disposition determination; and
 - Procedures to complete the detachable supplemental form a reasonable time after a medical emergency or necessity has ended, when the emergency or necessity prevented the form’s completion.

Prohibitions and penalty

- Prohibits any person from failing to comply with the act's requirements regarding disposition of fetal remains.
- Prohibits an operator of a crematory facility from (1) disposing of, (2) arranging for the disposal of, or (3) arranging for the transfer and subsequent disposal of cremated fetal remains in a manner other than:
 - Placing them in a grave, crypt, or niche;
 - Scattering them in any dignified manner, including in a memorial garden, at sea, by air, or at a cemetery scattering ground; or
 - Any other lawful manner.
- Prohibits a crematory operator from cremating the fetal remains without receiving a copy of a properly executed supplemental detachable form to the abortion informed consent form.
- Provides that a person who knowingly violates the prohibitions is guilty of failure to dispose of fetal remains humanely, a misdemeanor of the first degree.

Delayed enforcement

- Delays the application of the act's prohibitions until the Director adopts the rules.

Immunity

- Provides that a woman who has a surgical abortion is not guilty of failure to dispose of fetal remains humanely if the fetal remains are not disposed of in compliance with the act's cremation or interment provisions.
- Provides that a person who buries or cremates fetal remains from a surgical abortion is not liable for or subject to damages in a civil action, prosecution in a criminal proceeding, or professional disciplinary action related to the disposal of fetal remains if the person does all of the following:
 - Acts in good faith compliance with the act's fetal remains disposition requirements;
 - Receives a copy of a properly executed detachable supplemental form to the abortion informed consent form; and
 - Acts in furtherance of the final disposition of the fetal remains.
- Conditions the immunity granted to a person who buries or cremates fetal remains as described above on compliance with requirements unchanged by the act for fetal death certificates for the product of human conception of at least 20 weeks' gestation.

S.B. 178

Primary Sponsor: Sen. Schuring

Effective date: March 2, 2021

- Authorizes podiatrists to administer influenza vaccinations to individuals seven or older.

S.B. 260

Primary Sponsor: Sen. S. Huffman

Effective date: April 12, 2021

- Prohibits a physician from personally furnishing or providing an abortion-inducing drug to a pregnant woman unless the physician is physically present where and when the initial dose of the drug is consumed.
- Makes knowingly violating the prohibition a fourth degree felony for the first offense and a third degree felony for the second and subsequent offenses.

S.B. 311

Primary Sponsors: Sens. McColley and Roegner

Effective date: Vetoed

- Would have prohibited the Department of Health (ODH) from issuing a general, mandatory statewide or regional quarantine or isolation order that applies to and is enforced against individuals who have not been either directly exposed to or medically diagnosed with the disease that is the subject of the order.
- Would have prohibited ODH from using existing authority in a manner that has the effect of being a general, mandatory statewide or regional quarantine or isolation order that applies to and is enforced against individuals who have not been either directly exposed to or medically diagnosed with the disease that is the subject of the order, rule, or action.
- Would have allowed the General Assembly to adopt a concurrent resolution to rescind certain ODH orders or rules for preventing the spread of contagious or infectious diseases.