

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 286**

**Representative LaTourette**

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**A BILL**

To enact sections 3701.36, 3701.361, and 3701.362 1  
of the Revised Code to create the Palliative 2  
Care and Quality of Life Interdisciplinary 3  
Council, to establish the Palliative Care 4  
Consumer and Professional Information and 5  
Education Program, and to require health care 6  
facilities to identify patients and residents 7  
who could benefit from palliative care. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3701.36, 3701.361, and 3701.362 9  
of the Revised Code be enacted to read as follows: 10

**Sec. 3701.36.** (A) As used in this section and sections 11  
3701.361 and 3701.362 of the Revised Code, "palliative care" has 12  
the same meaning as in section 3712.01 of the Revised Code. 13

(B) There is hereby created the palliative care and 14  
quality of life interdisciplinary council. Subject to division 15  
(C) of this section, members of the council shall be appointed 16  
by the director of health and include individuals with expertise 17  
in palliative care who represent the following professions or 18  
constituencies: 19

(1) Physicians authorized under Chapter 4731. of the 20  
Revised Code to practice medicine and surgery or osteopathic 21  
medicine and surgery; 22

(2) Physician assistants authorized to practice under 23  
Chapter 4730. of the Revised Code; 24

(3) Advanced practice registered nurses licensed under 25  
Chapter 4723. of the Revised Code who are designated as clinical 26  
nurse specialists or certified nurse practitioners; 27

(4) Registered nurses and licensed practical nurses 28  
licensed under Chapter 4723. of the Revised Code; 29

(5) Licensed professional clinical counselors or licensed 30  
professional counselors licensed under Chapter 4757. of the 31  
Revised Code; 32

(6) Independent social workers or social workers licensed 33  
under Chapter 4757. of the Revised Code; 34

(7) Pharmacists licensed under Chapter 4729. of the 35  
Revised Code; 36

(8) Clergy or spiritual advisers; 37

(9) Patients; 38

(10) Family caregivers. 39

The council's membership also may include employees of 40  
agencies of this state that administer programs pertaining to 41  
palliative care or are otherwise concerned with the delivery of 42  
palliative care in this state. 43

(C) Members shall include individuals who have worked with 44  
various age groups (including children and the elderly), as well 45  
as those who have experience or expertise in various palliative 46

care delivery models (including acute care, long-term care, 47  
hospice, and home health agency). At least two members shall be 48  
physicians and nurses who are board-certified in hospice or 49  
palliative care. 50

(D) The director shall make the initial appointments to 51  
the council not later than ninety days after the effective date 52  
of this section. Terms of office shall be three years. Each 53  
member shall hold office from the date of appointment until the 54  
end of the term for which the member was appointed. In the event 55  
of death, removal, resignation, or incapacity of a council 56  
member, the director shall appoint a successor who shall hold 57  
office for the remainder of the term for which the successor's 58  
predecessor was appointed. A member shall continue in office 59  
subsequent to the expiration date of the member's term until the 60  
member's successor takes office, or until a period of sixty days 61  
has elapsed, whichever occurs first. 62

The council shall meet at the call of the director of 63  
health, but not less than twice annually. The council shall 64  
select annually from among its members a chairperson and vice- 65  
chairperson, whose duties shall be established by the council. 66

Each member shall serve without compensation, except to 67  
the extent that serving on the council is considered part of the 68  
member's regular employment duties. 69

(E) The council shall consult with and advise the director 70  
on matters related to the establishment, maintenance, operation, 71  
and evaluation of palliative care initiatives in this state. The 72  
council also shall consult with the department of health for the 73  
purposes of sections 3701.361 and 3701.362 of the Revised Code. 74

(F) The department of health shall provide to the council 75

the administrative support necessary to execute its duties. 76

(G) The council is not subject to sections 101.82 to 77  
101.87 of the Revised Code. 78

**Sec. 3701.361.** The palliative care consumer and 79  
professional information and education program is hereby 80  
established in the department of health. The purpose of the 81  
program is to maximize the effectiveness of palliative care 82  
initiatives in this state by ensuring that comprehensive and 83  
accurate information and education on palliative care is 84  
available to the public, health care providers, and health care 85  
facilities. 86

The department shall publish on its web site information 87  
on palliative care, including information on continuing 88  
education opportunities for health care professionals; 89  
information about palliative care delivery in a patient's home 90  
and in primary, secondary, and tertiary environments; best 91  
practices for palliative care delivery; and consumer educational 92  
materials and referral information on palliative care, including 93  
hospice. The department may develop and implement other 94  
initiatives regarding palliative care services and education as 95  
the department determines necessary. In implementing this 96  
section, the department shall consult with the palliative care 97  
and quality of life interdisciplinary council created under 98  
section 3701.36 of the Revised Code. 99

**Sec. 3701.362.** (A) As used in this section: 100

(1) "Health care facility" means any of the following: 101

(a) A hospital registered under section 3701.07 of the 102  
Revised Code; 103

(b) An ambulatory surgical facility as defined in section 104

<u>3702.30 of the Revised Code;</u>	105
<u>(c) A nursing home, residential care facility, county</u>	106
<u>home, or district home as defined in section 3721.01 of the</u>	107
<u>Revised Code;</u>	108
<u>(d) A veterans' home operated under Chapter 5907. of the</u>	109
<u>Revised Code;</u>	110
<u>(e) A hospice care program or pediatric respite care</u>	111
<u>program as defined in section 3712.01 of the Revised Code;</u>	112
<u>(f) A home health agency as defined in section 3701.881 of</u>	113
<u>the Revised Code.</u>	114
<u>(2) "Serious illness" means any medical illness or</u>	115
<u>physical injury or condition that substantially impacts quality</u>	116
<u>of life for more than a short period of time. "Serious illness"</u>	117
<u>includes, but is not limited to, cancer; heart, renal, or liver</u>	118
<u>failure; lung disease; and Alzheimer's disease and related</u>	119
<u>dementia.</u>	120
<u>(B) A health care facility shall do both of the following:</u>	121
<u>(1) Establish a system for identifying patients or</u>	122
<u>residents who could benefit from palliative care;</u>	123
<u>(2) Provide information on and facilitate access to</u>	124
<u>appropriate palliative care services for patients and residents</u>	125
<u>with a serious illness.</u>	126