As Reported by Senate Insurance and Financial Institutions Committee

132nd General Assembly
Regular Session
2017-2018

Am. S. B. No. 265

Senator Dolan

Cosponsor: Senator Beagle

A BILL

To amend sections 173.12, 341.192, 1739.05, 1751.01, 3702.30, 3712.06, 3712.061, and 3963.01 and to enact sections 1751.91, 3923.89, 5164.14, and 5167.121 of the Revised Code to permit certain health insurers to provide payment or reimbursement for services lawfully provided by a pharmacist and to recognize pharmacist services in certain other laws. 1 2 3 4 5 6 7 8

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

Section 1. That sections 173.12, 341.192, 1739.05, 1751.01, 3702.30, 3712.06, 3712.061, and 3963.01 be amended and sections 1751.91, 3923.89, 5164.14, and 5167.121 of the Revised Code be enacted to read as follows: 9 10 11 12

Sec. 173.12. The services provided by a multipurpose senior center shall be available to all residents of the area served by the center who are sixty years of age or older, except where legal requirements for the use of funds available for a component program specify other age limits. Persons who receive services from the center may be encouraged to make voluntary 13 14 15 16 17 18

contributions to the center, but no otherwise eligible person shall be refused services because of inability to make a contribution.

Services provided by the center may include, but are not limited to, the following:

(A) Services available within the facility:

(1) Preventive medical services, diagnostic and treatment services, emergency health services, and counseling on health matters, which are provided on a regular basis by a licensed physician, pharmacist, or ~~by a~~ registered nurse or other qualified health professional;

(2) A program to locate full- or part-time employment opportunities;

(3) Information and counseling by professional or other persons specially trained or qualified to enable older adults to make decisions on personal matters, including income, health, housing, transportation, and social relationships;

(4) A listing of services available in the community for older adults to assist in identifying the type of assistance needed, to place them in contact with appropriate services, and to determine whether services have been received and identified needs met;

(5) Legal advice and assistance by an attorney or a legal assistant acting under the supervision of an attorney;

(6) Recreation, social activities, and educational activities.

(B) Services provided outside the facility:

(1) Routine health services necessary to help functionally impaired older adults to maintain an appropriate standard of personal health, provided to them in their homes by licensed physicians, registered nurses, or other qualified health service personnel; 46 47 48 49 50

(2) Household services, such as light housekeeping, laundering, meal preparation, personal and grocery shopping, check cashing and bill paying, friendly visiting, minor household repairs, and yard chores, that are necessary to help functionally impaired older adults meet the normal demands of daily living; 51 52 53 54 55 56

(3) The delivery, on a regular schedule, of hot or cold nourishing meals to functionally impaired older adults and the determination of the nutritional needs of such persons; 57 58 59

(4) Door-to-door vehicular transportation for functionally impaired or other older adults. 60 61

Other services, including social and recreational services, adult education courses, reassurance by telephone, escort services, and housing assistance may be added to the center's program as appropriate, to the extent that resources are available. 62 63 64 65 66

Services may be furnished by public agencies or private persons or organizations, but all services shall be coordinated by a single management unit, operating within the center, that is established, staffed, and equipped for this purpose. 67 68 69 70

The department of aging, or the local entity approved by the department under section 173.11 of the Revised Code for the operation of a center, may contract for any or all of the services provided by the center with any other state agency, 71 72 73 74

county, township, municipal corporation, school district, 75
community or technical college district, health district, 76
person, or organization. 77

The department shall provide for the necessary insurance 78
coverage to protect all volunteers from the normal risks of 79
personal liability while they are acting within the scope of 80
their volunteer assignments for the provision of services under 81
this section. 82

As used in this section, "functionally impaired older 83
adult" means an individual sixty years of age or older who 84
requires help from others in order to cope with the normal 85
demands of daily living. 86

Sec. 341.192. (A) As used in this section: 87

(1) "Jail" means a county jail, or a multicounty, 88
municipal-county, or multicounty-municipal correctional center. 89

(2) "Medical provider" means a physician, hospital, 90
laboratory, pharmacist, pharmacy, or other health care provider 91
that is not employed by or under contract to a county, municipal 92
corporation, township, the department of youth services, or the 93
department of rehabilitation and correction to provide medical 94
services to persons confined in a jail or state correctional 95
institution, or is in the custody of a law enforcement officer. 96

(3) "Necessary care" means medical care of a nonelective 97
nature that cannot be postponed until after the period of 98
confinement of a person who is confined in a jail or state 99
correctional institution, or is in the custody of a law 100
enforcement officer without endangering the life or health of 101
the person. 102

(B) If a physician employed by or under contract to a 103

county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction to provide medical services to persons confined in a jail or state correctional institution determines that a person who is confined in the jail or state correctional institution or who is in the custody of a law enforcement officer prior to the person's confinement in a jail or state correctional institution requires necessary care that the physician cannot provide, the necessary care shall be provided by a medical provider. The county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction shall pay a medical provider for necessary care an amount not exceeding the authorized reimbursement rate for the same service established by the department of medicaid under the medicaid program. 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118

Sec. 1739.05. (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies: 119 120 121 122

(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers. 123 124

(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals. 125 126

(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section. 127 128 129

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall 130 131 132

comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 3923.89, 3924.031, 3924.032, and 3924.27 of the Revised Code. 133 134 135 136 137 138 139

(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance. 140 141 142 143 144

(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees, or are eligible for continuation of coverage under section 1751.53 or 3923.38 of the Revised Code or under Title X of the "Consolidated Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 U.S.C.A. 1161, as amended. 145 146 147 148 149 150 151 152

(E) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code is subject to, and shall comply with, sections 3903.81 to 3903.93 of the Revised Code in the same manner as other life or health insurers, as defined in section 3903.81 of the Revised Code. 153 154 155 156 157

Sec. 1751.01. As used in this chapter: 158

(A)(1) "Basic health care services" means the following services when medically necessary: 159 160

(a) Physician's services, except when such services are 161

supplemental under division (B) of this section; 162

(b) Inpatient hospital services; 163

(c) Outpatient medical services; 164

(d) Emergency health services; 165

(e) Urgent care services; 166

(f) Diagnostic laboratory services and diagnostic and 167
therapeutic radiologic services; 168

(g) Diagnostic and treatment services, other than 169
prescription drug services, for biologically based mental 170
illnesses; 171

(h) Preventive health care services, including, but not 172
limited to, voluntary family planning services, infertility 173
services, periodic physical examinations, prenatal obstetrical 174
care, and well-child care; 175

(i) Routine patient care for patients enrolled in an 176
eligible cancer clinical trial pursuant to section 3923.80 of 177
the Revised Code. 178

"Basic health care services" does not include experimental 179
procedures. 180

Except as provided by divisions (A)(2) and (3) of this 181
section in connection with the offering of coverage for 182
diagnostic and treatment services for biologically based mental 183
illnesses, a health insuring corporation shall not offer 184
coverage for a health care service, defined as a basic health 185
care service by this division, unless it offers coverage for all 186
listed basic health care services. However, this requirement 187
does not apply to the coverage of beneficiaries enrolled in 188

medicare pursuant to a medicare contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage of beneficiaries under any contract covering officers or employees of the state that has been entered into by the department of administrative services. 189 190 191 192 193 194 195 196

(2) A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses without offering coverage for all other basic health care services. A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses alone or in combination with one or more supplemental health care services. However, a health insuring corporation that offers coverage for any other basic health care service shall offer coverage for diagnostic and treatment services for biologically based mental illnesses in combination with the offer of coverage for all other listed basic health care services. 197 198 199 200 201 202 203 204 205 206 207 208

(3) A health insuring corporation that offers coverage for basic health care services is not required to offer coverage for diagnostic and treatment services for biologically based mental illnesses in combination with the offer of coverage for all other listed basic health care services if all of the following apply: 209 210 211 212 213 214

(a) The health insuring corporation submits documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for diagnostic and treatment services for 215 216 217 218

biologically based mental illnesses for a period of at least six months independently caused the health insuring corporation's costs for claims and administrative expenses for the coverage of basic health care services to increase by more than one per cent per year. 219 220 221 222 223

(b) The health insuring corporation submits a signed letter from an independent member of the American academy of actuaries to the superintendent of insurance opining that the increase in costs described in division (A)(3)(a) of this section could reasonably justify an increase of more than one per cent in the annual premiums or rates charged by the health insuring corporation for the coverage of basic health care services. 224 225 226 227 228 229 230 231

(c) The superintendent of insurance makes the following determinations from the documentation and opinion submitted pursuant to divisions (A)(3)(a) and (b) of this section: 232 233 234

(i) Incurred claims for diagnostic and treatment services for biologically based mental illnesses for a period of at least six months independently caused the health insuring corporation's costs for claims and administrative expenses for the coverage of basic health care services to increase by more than one per cent per year. 235 236 237 238 239 240

(ii) The increase in costs reasonably justifies an increase of more than one per cent in the annual premiums or rates charged by the health insuring corporation for the coverage of basic health care services. 241 242 243 244

Any determination made by the superintendent under this division is subject to Chapter 119. of the Revised Code. 245 246

(B)(1) "Supplemental health care services" means any 247

health care services other than basic health care services that a health insuring corporation may offer, alone or in combination with either basic health care services or other supplemental health care services, and includes: 248 249 250 251

(a) Services of facilities for intermediate or long-term care, or both; 252 253

(b) Dental care services; 254

(c) Vision care and optometric services including lenses and frames; 255 256

(d) Podiatric care or foot care services; 257

(e) Mental health services, excluding diagnostic and treatment services for biologically based mental illnesses; 258 259

(f) Short-term outpatient evaluative and crisis-intervention mental health services; 260 261

(g) Medical or psychological treatment and referral services for alcohol and drug abuse or addiction; 262 263

(h) Home health services; 264

(i) Prescription drug services; 265

(j) Nursing services; 266

(k) Services of a dietitian licensed under Chapter 4759. of the Revised Code; 267 268

(l) Physical therapy services; 269

(m) Chiropractic services; 270

(n) Any other category of services approved by the superintendent of insurance. 271 272

(2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders. 273 274 275 276 277

(C) "Specialty health care services" means one of the supplemental health care services listed in division (B) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services. 278 279 280 281 282

(D) "Biologically based mental illnesses" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association. 283 284 285 286 287 288 289

(E) "Closed panel plan" means a health care plan that requires enrollees to use participating providers. 290 291

(F) "Compensation" means remuneration for the provision of health care services, determined on other than a fee-for-service or discounted-fee-for-service basis. 292 293 294

(G) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health insuring corporation. 295 296 297

(H) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another state. 298 299 300

(I) "Emergency health services" means those health care 301

services that must be available on a seven-days-per-week, twenty-four-hours-per-day basis in order to prevent jeopardy to an enrollee's health status that would occur if such services were not received as soon as possible, and includes, where appropriate, provisions for transportation and indemnity payments or service agreements for out-of-area coverage. 302 303 304 305 306 307

(J) "Enrollee" means any natural person who is entitled to receive health care benefits provided by a health insuring corporation. 308 309 310

(K) "Evidence of coverage" means any certificate, agreement, policy, or contract issued to a subscriber that sets out the coverage and other rights to which such person is entitled under a health care plan. 311 312 313 314

(L) "Health care facility" means any facility, except a health care practitioner's office, that provides preventive, diagnostic, therapeutic, acute convalescent, rehabilitation, mental health, intellectual disability, intermediate care, or skilled nursing services. 315 316 317 318 319

(M) "Health care services" means basic, supplemental, and specialty health care services. 320 321

(N) "Health delivery network" means any group of providers or health care facilities, or both, or any representative thereof, that have entered into an agreement to offer health care services in a panel rather than on an individual basis. 322 323 324 325

(O) "Health insuring corporation" means a corporation, as defined in division (H) of this section, that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, basic health care services, supplemental health 326 327 328 329 330

care services, or specialty health care services, or a combination of basic health care services and either supplemental health care services or specialty health care services, through either an open panel plan or a closed panel plan. 331 332 333 334 335

"Health insuring corporation" does not include a limited liability company formed pursuant to Chapter 1705. of the Revised Code, an insurer licensed under Title XXXIX of the Revised Code if that insurer offers only open panel plans under which all providers and health care facilities participating receive their compensation directly from the insurer, a corporation formed by or on behalf of a political subdivision or a department, office, or institution of the state, or a public entity formed by or on behalf of a board of county commissioners, a county board of developmental disabilities, an alcohol and drug addiction services board, a board of alcohol, drug addiction, and mental health services, or a community mental health board, as those terms are used in Chapters 340. and 5126. of the Revised Code. Except as provided by division (D) of section 1751.02 of the Revised Code, or as otherwise provided by law, no board, commission, agency, or other entity under the control of a political subdivision may accept insurance risk in providing for health care services. However, nothing in this division shall be construed as prohibiting such entities from purchasing the services of a health insuring corporation or a third-party administrator licensed under Chapter 3959. of the Revised Code. 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357

(P) "Intermediary organization" means a health delivery network or other entity that contracts with licensed health insuring corporations or self-insured employers, or both, to provide health care services, and that enters into contractual 358 359 360 361

arrangements with other entities for the provision of health care services for the purpose of fulfilling the terms of its contracts with the health insuring corporations and self-insured employers. 362 363 364 365

(Q) "Intermediate care" means residential care above the level of room and board for patients who require personal assistance and health-related services, but who do not require skilled nursing care. 366 367 368 369

(R) "Medical record" means the personal information that relates to an individual's physical or mental condition, medical history, or medical treatment. 370 371 372

(S)(1) "Open panel plan" means a health care plan that provides incentives for enrollees to use participating providers and that also allows enrollees to use providers that are not participating providers. 373 374 375 376

(2) No health insuring corporation may offer an open panel plan, unless the health insuring corporation is also licensed as an insurer under Title XXXIX of the Revised Code, the health insuring corporation, on June 4, 1997, holds a certificate of authority or license to operate under Chapter 1736. or 1740. of the Revised Code, or an insurer licensed under Title XXXIX of the Revised Code is responsible for the out-of-network risk as evidenced by both an evidence of coverage filing under section 1751.11 of the Revised Code and a policy and certificate filing under section 3923.02 of the Revised Code. 377 378 379 380 381 382 383 384 385 386

(T) "Osteopathic hospital" means a hospital registered under section 3701.07 of the Revised Code that advocates osteopathic principles and the practice and perpetuation of osteopathic medicine by doing any of the following: 387 388 389 390

(1) Maintaining a department or service of osteopathic medicine or a committee on the utilization of osteopathic principles and methods, under the supervision of an osteopathic physician; 391 392 393 394

(2) Maintaining an active medical staff, the majority of which is comprised of osteopathic physicians; 395 396

(3) Maintaining a medical staff executive committee that has osteopathic physicians as a majority of its members. 397 398

(U) "Panel" means a group of providers or health care facilities that have joined together to deliver health care services through a contractual arrangement with a health insuring corporation, employer group, or other payor. 399 400 401 402

(V) "Person" has the same meaning as in section 1.59 of the Revised Code, and, unless the context otherwise requires, includes any insurance company holding a certificate of authority under Title XXXIX of the Revised Code, any subsidiary and affiliate of an insurance company, and any government agency. 403 404 405 406 407 408

(W) "Premium rate" means any set fee regularly paid by a subscriber to a health insuring corporation. A "premium rate" does not include a one-time membership fee, an annual administrative fee, or a nominal access fee, paid to a managed health care system under which the recipient of health care services remains solely responsible for any charges accessed for those services by the provider or health care facility. 409 410 411 412 413 414 415

(X) "Primary care provider" means a provider that is designated by a health insuring corporation to supervise, coordinate, or provide initial care or continuing care to an enrollee, and that may be required by the health insuring 416 417 418 419

corporation to initiate a referral for specialty care and to maintain supervision of the health care services rendered to the enrollee. 420 421 422

(Y) "Provider" means any natural person or partnership of natural persons who are licensed, certified, accredited, or otherwise authorized in this state to furnish health care services, or any professional association organized under Chapter 1785. of the Revised Code, provided that nothing in this chapter or other provisions of law shall be construed to preclude a health insuring corporation, health care practitioner, or organized health care group associated with a health insuring corporation from employing certified nurse practitioners, certified nurse anesthetists, clinical nurse specialists, certified nurse-midwives, pharmacists, dietitians, physician assistants, dental assistants, dental hygienists, optometric technicians, or other allied health personnel who are licensed, certified, accredited, or otherwise authorized in this state to furnish health care services. 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437

(Z) "Provider sponsored organization" means a corporation, as defined in division (H) of this section, that is at least eighty per cent owned or controlled by one or more hospitals, as defined in section 3727.01 of the Revised Code, or one or more physicians licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code, or any combination of such physicians and hospitals. Such control is presumed to exist if at least eighty per cent of the voting rights or governance rights of a provider sponsored organization are directly or indirectly owned, controlled, or otherwise held by any combination of the physicians and hospitals described in this division. 438 439 440 441 442 443 444 445 446 447 448 449

(AA) "Solicitation document" means the written materials provided to prospective subscribers or enrollees, or both, and used for advertising and marketing to induce enrollment in the health care plans of a health insuring corporation. 450 451 452 453

(BB) "Subscriber" means a person who is responsible for making payments to a health insuring corporation for participation in a health care plan, or an enrollee whose employment or other status is the basis of eligibility for enrollment in a health insuring corporation. 454 455 456 457 458

(CC) "Urgent care services" means those health care services that are appropriately provided for an unforeseen condition of a kind that usually requires medical attention without delay but that does not pose a threat to the life, limb, or permanent health of the injured or ill person, and may include such health care services provided out of the health insuring corporation's approved service area pursuant to indemnity payments or service agreements. 459 460 461 462 463 464 465 466

Sec. 1751.91. A health insuring corporation may provide payment or reimbursement to a pharmacist for providing a health care service to a patient if both of the following are the case: 467 468 469

(A) The pharmacist provided the health care service to the patient in accordance with Chapter 4729. of the Revised Code, including any of the following services: 470 471 472

(1) Managing drug therapy under a consult agreement with a physician pursuant to section 4729.39 of the Revised Code; 473 474

(2) Administering immunizations in accordance with section 4729.41 of the Revised Code; 475 476

(3) Administering drugs in accordance with section 4729.45 of the Revised Code. 477 478

(B) The patient's individual or group health insuring corporation policy, contract, or agreement provides for payment or reimbursement of the service. 479 480 481

Sec. 3702.30. (A) As used in this section: 482

(1) "Ambulatory surgical facility" means a facility, whether or not part of the same organization as a hospital, that is located in a building distinct from another in which inpatient care is provided, and to which any of the following apply: 483 484 485 486 487

(a) Outpatient surgery is routinely performed in the facility, and the facility functions separately from a hospital's inpatient surgical service and from the offices of private physicians, podiatrists, and dentists. 488 489 490 491

(b) Anesthesia is administered in the facility by an anesthesiologist or certified registered nurse anesthetist, and the facility functions separately from a hospital's inpatient surgical service and from the offices of private physicians, podiatrists, and dentists. 492 493 494 495 496

(c) The facility applies to be certified by the United States centers for medicare and medicaid services as an ambulatory surgical center for purposes of reimbursement under Part B of the medicare program, Part B of Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 497 498 499 500 501 502

(d) The facility applies to be certified by a national accrediting body approved by the centers for medicare and medicaid services for purposes of deemed compliance with the conditions for participating in the medicare program as an ambulatory surgical center. 503 504 505 506 507

(e) The facility bills or receives from any third-party payer, governmental health care program, or other person or government entity any ambulatory surgical facility fee that is billed or paid in addition to any fee for professional services. 508 509 510 511

(f) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts. 512 513 514

"Ambulatory surgical facility" does not include a hospital emergency department. 515 516

(2) "Ambulatory surgical facility fee" means a fee for certain overhead costs associated with providing surgical services in an outpatient setting. A fee is an ambulatory surgical facility fee only if it directly or indirectly pays for costs associated with any of the following: 517 518 519 520 521

(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives; 522 523

(b) Administrative functions, record keeping, housekeeping, utilities, and rent; 524 525

(c) Services provided by nurses, pharmacists, orderlies, technical personnel, and others involved in patient care related to providing surgery. 526 527 528

"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery. 529 530 531 532 533 534 535

(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code. 536 537

(4) "Health care facility" means any of the following: 538

(a) An ambulatory surgical facility; 539

(b) A freestanding dialysis center; 540

(c) A freestanding inpatient rehabilitation facility; 541

(d) A freestanding birthing center; 542

(e) A freestanding radiation therapy center; 543

(f) A freestanding or mobile diagnostic imaging center. 544

(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 545 546

(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director. 547 548 549 550 551 552

In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and administer a plan designed to prevent, identify, and manage infections and communicable diseases; ensure that the program is directed by a qualified professional trained in 553 554 555 556 557 558 559 560 561 562

infection control; ensure that the program is an integral part of the ambulatory surgical facility's quality assessment and performance improvement program; and implement in an expeditious manner corrective and preventive measures that result in improvement. 563 564 565 566 567

(C) Every ambulatory surgical facility shall require that each physician who practices at the facility comply with all relevant provisions in the Revised Code that relate to the obtaining of informed consent from a patient. 568 569 570 571

(D) The director shall issue a license to each health care facility that makes application for a license and demonstrates to the director that it meets the quality standards established by the rules adopted under division (B) of this section and satisfies the informed consent compliance requirements specified in division (C) of this section. 572 573 574 575 576 577

(E)(1) Except as provided in division (H) of this section and in section 3702.301 of the Revised Code, no health care facility shall operate without a license issued under this section. 578 579 580 581

(2) If the department of health finds that a physician who practices at a health care facility is not complying with any provision of the Revised Code related to the obtaining of informed consent from a patient, the department shall report its finding to the state medical board, the physician, and the health care facility. 582 583 584 585 586 587

(3) This division does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a health care facility and in favor of a patient who allegedly sustains harm as a result of the failure 588 589 590 591

of the patient's physician to obtain informed consent from the patient prior to performing a procedure on or otherwise caring for the patient in the health care facility. 592 593 594

(F) The rules adopted under division (B) of this section shall include all of the following: 595 596

(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section; 597 598

(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility; 599 600 601 602

(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties; 603 604 605 606

(4) Provisions specifying the form inspectors must use when conducting inspections of ambulatory surgical facilities. 607 608

(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code. 609 610 611

(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section: 612 613 614

(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging; 615 616

(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging; 617 618 619

(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure. 620 621 622

Sec. 3712.06. Any person or public agency licensed under section 3712.04 of the Revised Code to provide a hospice care program shall: 623 624 625

(A) Provide a planned and continuous hospice care program, the medical components of which shall be under the direction of a physician; 626 627 628

(B) Ensure that care is available twenty-four hours a day and seven days a week; 629 630

(C) Establish an interdisciplinary plan of care for each hospice patient and ~~his~~ the patient's family that: 631 632

(1) Is coordinated by one designated individual who shall ensure that all components of the plan of care are addressed and implemented; 633 634 635

(2) Addresses maintenance of patient-family participation in decision making; and 636 637

(3) Is periodically reviewed by the patient's attending physician and by the patient's interdisciplinary team. 638 639

(D) Have an interdisciplinary team or teams that provide or supervise the provision of care and establish the policies governing the provision of the care; 640 641 642

(E) Provide bereavement counseling for hospice patients' families; 643 644

(F) Not discontinue care because of a hospice patient's inability to pay for the care; 645 646

(G) Maintain central clinical records on all hospice patients under its care; and

(H) Provide care in individuals' homes, on an outpatient basis, and on a short-term inpatient basis.

A provider of a hospice care program may include pharmacist services among the other services that are made available to its hospice patients.

A provider of a hospice care program may arrange for another person or public agency to furnish a component or components of the hospice care program pursuant to a written contract. When a provider of a hospice care program arranges for a hospital, a home providing nursing care, or home health agency to furnish a component or components of the hospice care program to its patient, the care shall be provided by a licensed, certified, or accredited hospital, home providing nursing care, or home health agency pursuant to a written contract under which:

(1) The provider of a hospice care program furnishes to the contractor a copy of the hospice patient's interdisciplinary plan of care that is established under division (C) of this section and specifies the care that is to be furnished by the contractor;

(2) The regimen described in the established plan of care is continued while the hospice patient receives care from the contractor, subject to the patient's needs, and with approval of the coordinator of the interdisciplinary team designated pursuant to division (C)(1) of this section;

(3) All care, treatment, and services furnished by the contractor are entered into the hospice patient's medical

record; 676

(4) The designated coordinator of the interdisciplinary team ensures conformance with the established plan of care; and 677 678

(5) A copy of the contractor's medical record and discharge summary is retained as part of the hospice patient's medical record. 679 680 681

Any hospital contracting for inpatient care shall be encouraged to offer temporary limited privileges to the hospice patient's attending physician while the hospice patient is receiving inpatient care from the hospital. 682 683 684 685

Sec. 3712.061. (A) Any person or public agency licensed under section 3712.041 of the Revised Code to provide a pediatric respite care program shall do all of the following: 686 687 688

(1) Provide a planned and continuous pediatric respite care program, the medical components of which shall be under the direction of a physician; 689 690 691

(2) Ensure that care is available twenty-four hours a day and seven days a week; 692 693

(3) Establish an interdisciplinary plan of care for each pediatric respite care patient and the patient's family that: 694 695

(a) Is coordinated by one designated individual who shall ensure that all components of the plan of care are addressed and implemented; 696 697 698

(b) Addresses maintenance of patient-family participation in decision making; and 699 700

(c) Is reviewed by the patient's attending physician and by the patient's interdisciplinary team immediately prior to or 701 702

on admission to each session of respite care. 703

(4) Have an interdisciplinary team or teams that provide or supervise the provision of pediatric respite care program services and establish the policies governing the provision of the services; 704 705 706 707

(5) Maintain central clinical records on all pediatric respite care patients under its care. 708 709

(B) A provider of a pediatric respite care program may include pharmacist services among the other services that are made available to its pediatric respite care patients. 710 711 712

(C) A provider of a pediatric respite care program may arrange for another person or public agency to furnish a component or components of the pediatric respite care program pursuant to a written contract. When a provider of a pediatric respite care program arranges for a home health agency to furnish a component or components of the pediatric respite care program to its patient, the care shall be provided by a home health agency pursuant to a written contract under which: 713 714 715 716 717 718 719 720

(1) The provider of a pediatric respite care program furnishes to the contractor a copy of the pediatric respite care patient's interdisciplinary plan of care that is established under division (A)(3) of this section and specifies the care that is to be furnished by the contractor; 721 722 723 724 725

(2) The regimen described in the established plan of care is continued while the pediatric respite care patient receives care from the contractor, subject to the patient's needs, and with approval of the coordinator of the interdisciplinary team designated pursuant to division (A)(3)(a) of this section; 726 727 728 729 730

(3) All care, treatment, and services furnished by the 731

contractor are entered into the pediatric respite care patient's medical record; 732 733

(4) The designated coordinator of the interdisciplinary team ensures conformance with the established plan of care; and 734 735

(5) A copy of the contractor's medical record and discharge summary is retained as part of the pediatric respite care patient's medical record. 736 737 738

Sec. 3923.89. A sickness and accident insurer or public employee benefit plan may provide payment or reimbursement to a pharmacist for providing a health care service to a patient if both of the following are the case: 739 740 741 742

(A) The pharmacist provided the health care service to the patient in accordance with Chapter 4729. of the Revised Code, including any of the following services: 743 744 745

(1) Managing drug therapy under a consult agreement with a physician pursuant to section 4729.39 of the Revised Code; 746 747

(2) Administering immunizations in accordance with section 4729.41 of the Revised Code; 748 749

(3) Administering drugs in accordance with section 4729.45 of the Revised Code. 750 751

(B) The patient's individual or group policy of sickness and accident insurance or public employee benefit plan provides for payment or reimbursement of the service. 752 753 754

Sec. 3963.01. As used in this chapter: 755

(A) "Affiliate" means any person or entity that has ownership or control of a contracting entity, is owned or controlled by a contracting entity, or is under common ownership 756 757 758

or control with a contracting entity. 759

(B) "Basic health care services" has the same meaning as in division (A) of section 1751.01 of the Revised Code, except that it does not include any services listed in that division that are provided by a pharmacist or nursing home. 760 761 762 763

(C) "Contracting entity" means any person that has a primary business purpose of contracting with participating providers for the delivery of health care services. 764 765 766

(D) "Credentialing" means the process of assessing and validating the qualifications of a provider applying to be approved by a contracting entity to provide basic health care services, specialty health care services, or supplemental health care services to enrollees. 767 768 769 770 771

(E) "Edit" means adjusting one or more procedure codes billed by a participating provider on a claim for payment or a practice that results in any of the following: 772 773 774

(1) Payment for some, but not all of the procedure codes originally billed by a participating provider; 775 776

(2) Payment for a different procedure code than the procedure code originally billed by a participating provider; 777 778

(3) A reduced payment as a result of services provided to an enrollee that are claimed under more than one procedure code on the same service date. 779 780 781

(F) "Electronic claims transport" means to accept and digitize claims or to accept claims already digitized, to place those claims into a format that complies with the electronic transaction standards issued by the United States department of health and human services pursuant to the "Health Insurance 782 783 784 785 786

Portability and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as those electronic standards are applicable to the parties and as those electronic standards are updated from time to time, and to electronically transmit those claims to the appropriate contracting entity, payer, or third-party administrator. 787 788 789 790 791 792

(G) "Enrollee" means any person eligible for health care benefits under a health benefit plan, including an eligible recipient of medicaid, and includes all of the following terms: 793 794 795

(1) "Enrollee" and "subscriber" as defined by section 1751.01 of the Revised Code; 796 797

(2) "Member" as defined by section 1739.01 of the Revised Code; 798 799

(3) "Insured" and "plan member" pursuant to Chapter 3923. of the Revised Code; 800 801

(4) "Beneficiary" as defined by section 3901.38 of the Revised Code. 802 803

(H) "Health care contract" means a contract entered into, materially amended, or renewed between a contracting entity and a participating provider for the delivery of basic health care services, specialty health care services, or supplemental health care services to enrollees. 804 805 806 807 808

(I) "Health care services" means basic health care services, specialty health care services, and supplemental health care services. 809 810 811

(J) "Material amendment" means an amendment to a health care contract that decreases the participating provider's payment or compensation, changes the administrative procedures 812 813 814

in a way that may reasonably be expected to significantly increase the provider's administrative expenses, or adds a new product. A material amendment does not include any of the following: 815 816 817 818

(1) A decrease in payment or compensation resulting solely from a change in a published fee schedule upon which the payment or compensation is based and the date of applicability is clearly identified in the contract; 819 820 821 822

(2) A decrease in payment or compensation that was anticipated under the terms of the contract, if the amount and date of applicability of the decrease is clearly identified in the contract; 823 824 825 826

(3) An administrative change that may significantly increase the provider's administrative expense, the specific applicability of which is clearly identified in the contract; 827 828 829

(4) Changes to an existing prior authorization, precertification, notification, or referral program that do not substantially increase the provider's administrative expense; 830 831 832

(5) Changes to an edit program or to specific edits if the participating provider is provided notice of the changes pursuant to division (A)(1) of section 3963.04 of the Revised Code and the notice includes information sufficient for the provider to determine the effect of the change; 833 834 835 836 837

(6) Changes to a health care contract described in division (B) of section 3963.04 of the Revised Code. 838 839

(K) "Participating provider" means a provider that has a health care contract with a contracting entity and is entitled to reimbursement for health care services rendered to an enrollee under the health care contract. 840 841 842 843

(L) "Payer" means any person that assumes the financial risk for the payment of claims under a health care contract or the reimbursement for health care services provided to enrollees by participating providers pursuant to a health care contract. 844 845 846 847

(M) "Primary enrollee" means a person who is responsible for making payments for participation in a health care plan or an enrollee whose employment or other status is the basis of eligibility for enrollment in a health care plan. 848 849 850 851

(N) "Procedure codes" includes the American medical association's current procedural terminology code, the American dental association's current dental terminology, and the centers for medicare and medicaid services health care common procedure coding system. 852 853 854 855 856

(O) "Product" means one of the following types of categories of coverage for which a participating provider may be obligated to provide health care services pursuant to a health care contract: 857 858 859 860

(1) A health maintenance organization or other product provided by a health insuring corporation; 861 862

(2) A preferred provider organization; 863

(3) Medicare; 864

(4) Medicaid; 865

(5) Workers' compensation. 866

(P) "Provider" means a physician, podiatrist, pharmacist, dentist, chiropractor, optometrist, psychologist, physician assistant, advanced practice registered nurse, occupational therapist, massage therapist, physical therapist, licensed professional counselor, licensed professional clinical 867 868 869 870 871

counselor, hearing aid dealer, orthotist, prosthetist, home 872
health agency, hospice care program, pediatric respite care 873
program, or hospital, or a provider organization or physician- 874
hospital organization that is acting exclusively as an 875
administrator on behalf of a provider to facilitate the 876
provider's participation in health care contracts. "Provider" 877

"Provider" does not mean a pharmacist, pharmacy, either of 878
the following: 879

(1) A nursing home, or a ; 880

(2) A provider organization or physician-hospital 881
organization that leases the provider organization's or 882
physician-hospital organization's network to a third party or 883
contracts directly with employers or health and welfare funds. 884

(Q) "Specialty health care services" has the same meaning 885
as in section 1751.01 of the Revised Code, except that it does 886
not include any services listed in division (B) of section 887
1751.01 of the Revised Code that are provided by a pharmacist or 888
a nursing home. 889

(R) "Supplemental health care services" has the same 890
meaning as in division (B) of section 1751.01 of the Revised 891
Code, except that it does not include any services listed in 892
that division that are provided by a pharmacist or nursing home. 893

Sec. 5164.14. The medicaid program may cover a health care 894
service that a pharmacist provides to a medicaid recipient in 895
accordance with Chapter 4729. of the Revised Code, including any 896
of the following services: 897

(A) Managing drug therapy under a consult agreement with a 898
physician pursuant to section 4729.39 of the Revised Code; 899

(B) Administering immunizations in accordance with section 4729.41 of the Revised Code; 900 901

(C) Administering drugs in accordance with section 4729.45 of the Revised Code. 902 903

Sec. 5167.121. If the medicaid program covers the pharmacist services described in section 5164.14 of the Revised Code, the department of medicaid may require a medicaid managed care organization to provide coverage of the pharmacist services to the same extent when the services are provided to a medicaid recipient who is enrolled in the organization as a part of the care management system established under section 5167.03 of the Revised Code. 904 905 906 907 908 909 910 911

Section 2. That existing sections 173.12, 341.192, 1739.05, 1751.01, 3702.30, 3712.06, 3712.061, and 3963.01 of the Revised Code are hereby repealed. 912 913 914

Section 3. Sections 1739.05, 1751.01, and 3923.89 of the Revised Code, as amended or enacted by this act, apply to health benefit plans that are delivered, issued for delivery, or renewed in this state on or after the effective date of this act. Section 3963.01 of the Revised Code, as amended by this act, applies to health care contracts that are entered into, materially amended, or renewed on or after the effective date of this act. 915 916 917 918 919 920 921 922

Section 4. Section 1739.05 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 463 and Sub. S.B. 319 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous 923 924 925 926 927 928

operation, finds that the composite is the resulting version of 929
the section in effect prior to the effective date of the section 930
as presented in this act. 931