

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 676

Representatives Baker, Abrams

A BILL

To enact sections 3724.01, 3724.02, 3724.03, 1
3724.04, 3724.05, 3724.06, 3724.07, 3724.08, 2
3724.09, 3724.99, and 5164.27 of the Revised 3
Code regarding prescribed pediatric extended 4
care centers. 5

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

Section 1. That sections 3724.01, 3724.02, 3724.03, 6
3724.04, 3724.05, 3724.06, 3724.07, 3724.08, 3724.09, 3724.99, 7
and 5164.27 of the Revised Code be enacted to read as follows: 8

Sec. 3724.01. As used in this chapter: 9

(A) "Hospital" has the same meaning as in section 3722.01 10
of the Revised Code. 11

(B) "Licensed practical nurse" and "registered nurse" have 12
the same meanings as in section 4723.01 of the Revised Code. 13

(C) "Medically dependent or technologically dependent 14
child" means an individual who is less than twenty-one years of 15
age and requires, as a result of a medical condition, continuous 16
therapeutic interventions or skilled nursing supervision. 17

(D) "Owner or operator" means any individual who owns or 18

has general administrative charge of a prescribed pediatric 19
extended care center. 20

(E) "Physician" means an individual authorized under 21
Chapter 4731. of the Revised Code to practice medicine and 22
surgery or osteopathic medicine and surgery. 23

(F) "Prescribed pediatric extended care center" means a 24
facility other than a hospital, whether operated for profit or 25
not, that provides and delivers, or allows for the provision of, 26
services to medically dependent or technologically dependent 27
children and their legal guardians as described in section 28
3724.06 of the Revised Code. 29

Sec. 3724.02. No person, firm, organization, institution, 30
or agency shall knowingly operate a prescribed pediatric 31
extended care center without a license issued under this 32
chapter. 33

Sec. 3724.03. (A) A person, firm, organization, 34
institution, or agency seeking a license to operate a prescribed 35
pediatric extended care center shall file with the director of 36
health an application in a manner prescribed by the director. 37
The application shall include all the information the director 38
considers necessary to process the application, including 39
evidence satisfactory to the director that the applicant 40
satisfies the requirements of division (B) of this section. 41

(B) To be eligible to receive a license to operate a 42
prescribed pediatric extended care center, an applicant shall 43
satisfy all of the following requirements: 44

(1) Hold a current, valid child care center license issued 45
under Chapter 5104. of the Revised Code and operate the child 46
care center at the same address at which the prescribed 47

pediatric extended care center will operate; 48

(2) Contract with or employ a medical director who is a 49
physician specializing in pediatric medicine and has at least 50
three years of clinical experience in that specialty; 51

(3) Contract with or employ one or more nurse managers, 52
with each nurse manager being a registered nurse with clinical 53
experience in pediatric nursing; 54

(4) Submit an initial application fee of five hundred 55
dollars or, in the case of an applicant that already holds a 56
license to operate a prescribed pediatric extended care center, 57
an initial application fee of two hundred fifty dollars. 58

(C) The director shall review all applications received 59
under this section. After receiving an application the director 60
considers complete, the director shall determine whether the 61
applicant meets the requirements for a license to operate a 62
prescribed pediatric extended care center. 63

Sec. 3724.04. (A) If the director of health determines 64
that an applicant meets the requirements of section 3724.03 of 65
the Revised Code, the director shall issue the license to the 66
applicant. 67

(B) The license shall be valid for three years, unless 68
revoked or suspended, shall expire on the date that is three 69
years after the date of issuance, and may be renewed for 70
additional three-year periods in accordance with division (C) of 71
this section and rules adopted under section 3724.05 of the 72
Revised Code. 73

(C) To renew a license issued under this section, a 74
prescribed pediatric extended care center shall, on or before 75
the license's expiration date, apply to the director of health 76

for renewal. Renewal applications shall be submitted to the 77
director in a manner prescribed by the director. Each 78
application shall be accompanied by a renewal fee of five 79
hundred dollars. The director shall renew a license if the 80
director determines that the applicant holds a current, valid 81
child care center license issued under Chapter 5104. of the 82
Revised Code and meets the requirements for renewal established 83
in rules adopted under section 3724.05 of the Revised Code. 84

Sec. 3724.05. (A) The director of health shall adopt rules 85
establishing standards and procedures for the licensure and 86
regulation of prescribed pediatric extended care centers, 87
including rules that do all of the following: 88

(1) Establish license application and renewal procedures; 89

(2) Specify the reasons for which the department may 90
refuse to issue or renew, suspend, or revoke a license or 91
otherwise impose discipline on a license holder; 92

(3) Establish standards for providing and delivering, and 93
for allowing for the provision of, the services described in 94
section 3724.06 of the Revised Code, in particular, in a manner 95
that is family-centered while also individualized for each 96
medically dependent or technologically dependent child and the 97
child's caregiver and in a setting that is both integrated and 98
inclusive; 99

(4) Establish standards to ensure that the center's 100
conditions and physical surroundings are healthy, safe, and 101
sanitary; 102

(5) Establish minimum qualifications for employment as an 103
operator, registered nurse, licensed practical nurse, or other 104
staff member as well as training requirements for such 105

<u>employees;</u>	106
<u>(6) Specify the manner in which medical records, data, and</u>	107
<u>other information relating to the children and families</u>	108
<u>receiving services are to be maintained;</u>	109
<u>(7) Establish standards and procedures for providing</u>	110
<u>medical transportation services to and from prescribed pediatric</u>	111
<u>extended care centers, including by ensuring both of the</u>	112
<u>following:</u>	113
<u>(a) That nursing support is available when such services</u>	114
<u>are provided;</u>	115
<u>(b) That a provider of medical transportation services is</u>	116
<u>prohibited from providing such services to and from a center if</u>	117
<u>the provider is related to the center's owner or operator by</u>	118
<u>blood, marriage, or adoption.</u>	119
<u>(8) Establish procedures and a timeline for conducting</u>	120
<u>center inspections and audits.</u>	121
<u>The director also may adopt any other rules the director</u>	122
<u>considers necessary to implement and administer this chapter.</u>	123
<u>(B) The rules described in this section shall be adopted</u>	124
<u>in accordance with Chapter 119. of the Revised Code.</u>	125
<u>Sec. 3724.06. (A) (1) A prescribed pediatric extended care</u>	126
<u>center licensed under this chapter may provide and deliver at</u>	127
<u>the center, for a part of the day, any of the following services</u>	128
<u>to medically dependent or technologically dependent children who</u>	129
<u>are not related to the center's owner or operator by blood,</u>	130
<u>marriage, or adoption:</u>	131
<u>(a) Medical services;</u>	132

<u>(b) Nursing services;</u>	133
<u>(c) Psychosocial services;</u>	134
<u>(d) Developmental education.</u>	135
<u>(2) The center also may provide and deliver services to</u>	136
<u>meet the caregiver training needs of a medically dependent or</u>	137
<u>technologically dependent child's legal guardian.</u>	138
<u>(B) In addition to the services a prescribed pediatric</u>	139
<u>extended care center may provide and deliver under division (A)</u>	140
<u>of this section, the center may allow for any of the following</u>	141
<u>therapies, services, or supports to be provided, for a part of</u>	142
<u>the day, at the center:</u>	143
<u>(1) Speech therapy;</u>	144
<u>(2) Occupational therapy;</u>	145
<u>(3) Physical therapy;</u>	146
<u>(4) Social work services;</u>	147
<u>(5) Developmental services;</u>	148
<u>(6) Child life services;</u>	149
<u>(7) Psychological services;</u>	150
<u>(8) Behavioral supports.</u>	151
<u>In allowing for the therapies, services, and supports</u>	152
<u>described in this division to be provided for at the center, the</u>	153
<u>center may contract with another entity to provide those</u>	154
<u>therapies, services, and supports.</u>	155
<u>Sec. 3724.07. In operating a prescribed pediatric extended</u>	156
<u>care center, a center is subject to all of the following</u>	157
<u>requirements:</u>	158

(A) The center shall maintain the following medically dependent or technologically dependent child-to-staff ratios: 159
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(1) When caring for not more than twelve children, two registered nurses; 161
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(2) When caring for at least thirteen but not more than twenty children, two registered nurses and one licensed practical nurse; 163
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(3) When caring for at least twenty-one but not more than thirty children, three registered nurses and two licensed practical nurses. 166
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For every eight children added to the thirty children described in division (A) (3) of this section, the center shall ensure that another registered nurse is providing care, in addition to the three registered nurses described in that division. 169
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(B) A nurse manager, or nurse manager's designee, shall be present at the center during its hours of operation. 174
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(C) The center shall utilize an electronic medical records system to maintain records relating to the medically dependent and technologically dependent children it enrolls. Such a system shall include all of the following records: daily assessments, medication lists, and reports of medications administered, medication errors, and therapeutic interventions. The center shall ensure that the system allows for periodic audits and assists the center in implementing internal compliance programs. 176
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(D) The center shall assist the department of health in any audits the department conducts of the center, including those related to the center's delivery of and billing for services. 184
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Sec. 3724.08. (A) Before a medically dependent or 188
technologically dependent child may enroll in a prescribed 189
pediatric extended care center, the child's parent or legal 190
guardian shall submit to the center a referral from the child's 191
physician, describing the child's medical condition, medical 192
stability, and the continuous therapeutic interventions or 193
skilled nursing supervision that the child requires. 194

(B) Once a medically dependent or technologically 195
dependent child enrolls and begins to receive services as 196
described in division (A) of section 3724.06 of the Revised 197
Code, the child shall remain under the care of a physician other 198
than the center's medical director. The center's medical 199
director, in consultation with the child's physician and parent 200
or legal guardian, shall develop for the child a treatment plan 201
that outlines the child's required therapeutic interventions and 202
skilled nursing supervision. The center's nurse manager shall 203
coordinate the implementation of the child's treatment plan, 204
with the plan's interventions and skilled nursing to be 205
administered by either a registered nurse employed by the center 206
or a licensed practical nurse employed by the center and under 207
the direct supervision of the registered nurse. 208

(C) The center's medical director shall be available 209
either in person or by electronic communication to consult with 210
the center's nurse manager and other nursing staff. On at least 211
a monthly basis, the medical director shall review each child's 212
treatment plan and medical records and shall update the plan as 213
necessary. 214

Sec. 3724.09. The department of health may refuse to issue 215
or renew, suspend, or revoke a license or otherwise impose 216
discipline on a license holder for any violation of this chapter 217

or rules adopted under it. Such discipline may include the 218
imposition of a civil penalty in an amount not more than five 219
hundred dollars for each violation and for each day the 220
violation continues. 221

Sec. 3724.99. Whoever violates section 3724.02 of the 222
Revised Code shall be fined in an amount not less than five 223
hundred dollars and not more than ten thousand dollars for each 224
offense. 225

Sec. 5164.27. (A) As used in this section, "medically 226
dependent or technologically dependent child" and "prescribed 227
pediatric extended care center" have the same meanings as in 228
section 3724.01 of the Revised Code. 229

(B) The medicaid director shall seek approval from the 230
United States centers for medicare and medicaid services to 231
cover services provided by a prescribed pediatric extended care 232
center, as described in division (A)(1) of section 3724.06 of 233
the Revised Code, to medically dependent or technologically 234
dependent children in this state. 235

(C) To be eligible to receive medicaid payments under this 236
section, a prescribed pediatric extended care center shall hold 237
both of the following: 238

(1) A valid license issued under section 3724.04 of the 239
Revised Code; 240

(2) A valid medicaid provider agreement. 241