

As Passed by the House

136th General Assembly

Regular Session

2025-2026

Sub. H. B. No. 141

Representatives Baker, Abrams

Cosponsors: Representatives Schmidt, Deeter, Brownlee, Grim, White, A., Abdullahi, Barhorst, Brennan, Brent, Brewer, Cockley, Creech, Daniels, Denson, Dovilla, Fischer, Glassburn, Hall, D., Isaacsohn, Jarrells, Johnson, King, Kishman, Klopfenstein, LaRe, Lawson-Rowe, Lear, Lett, Manning, Mathews, A., Mathews, T., Miller, J., Mohamed, Odioso, Peterson, Piccolantonio, Plummer, Rader, Richardson, Ritter, Robb Blasdel, Robinson, Rogers, Russo, Salvo, Sigrist, Sims, Sweeney, Synenberg, Thomas, C., Tims, Troy, Upchurch, White, E., Williams, Willis, Young

To enact sections 3724.01, 3724.02, 3724.03,	1
3724.04, 3724.05, 3724.06, 3724.07, 3724.08,	2
3724.09, 3724.10, 3724.99, 5164.27, and 5166.111	3
of the Revised Code regarding prescribed	4
pediatric extended 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, 3724.10,	7
3724.99, 5164.27, and 5166.111 of the Revised Code be enacted to	8
read as follows:	9

<u>Sec. 3724.01.</u> As used in this chapter:	10
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<u>(A) "Hospital" has the same meaning as in section 3722.01</u>	11
<u>of the Revised Code.</u>	12

<u>(B) "Licensed practical nurse" and "registered nurse" have</u>	13
<u>the same meanings as in section 4723.01 of the Revised Code.</u>	14

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

(D) "Owner or operator" means any individual who owns or has general administrative charge of a prescribed pediatric extended care center.

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

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

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

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

(B) To be eligible to receive a license to operate a

prescribed pediatric extended care center, an applicant shall 44
satisfy all of the following requirements: 45

(1) Hold a current, valid child care center license issued 46
under Chapter 5104. of the Revised Code and operate the child 47
care center at the same address at which the prescribed 48
pediatric extended care center will operate; 49

(2) Contract with or employ a medical director who is a 50
physician specializing in pediatric medicine and has at least 51
three years of clinical experience in that specialty; 52

(3) Contract with or employ one or more nurse managers, 53
with each nurse manager being a registered nurse with clinical 54
experience in pediatric nursing; 55

(4) Submit an initial application fee of one thousand 56
dollars or, in the case of an applicant that already holds a 57
license to operate a prescribed pediatric extended care center, 58
an initial application fee of two hundred fifty dollars. 59

(C) The director shall review all applications received 60
under this section. After receiving an application the director 61
considers complete, the director shall determine whether the 62
applicant meets the requirements for a license to operate a 63
prescribed pediatric extended care center. 64

Sec. 3724.04. (A) If the director of health determines 65
that an applicant meets the requirements of section 3724.03 of 66
the Revised Code, the director shall issue the license to the 67
applicant. 68

(B) The license shall be valid for three years, unless 69
revoked or suspended, shall expire on the date that is three 70
years after the date of issuance, and may be renewed for 71
additional three-year periods in accordance with division (C) of 72

this section and rules adopted under section 3724.05 of the 73
Revised Code. 74

(C) To renew a license issued under this section, a 75
prescribed pediatric extended care center shall, on or before 76
the license's expiration date, apply to the director of health 77
for renewal. Renewal applications shall be submitted to the 78
director in a manner prescribed by the director. Each 79
application shall be accompanied by a renewal fee of five 80
hundred dollars. The director shall renew a license if the 81
director determines that the applicant holds a current, valid 82
child care center license issued under Chapter 5104. of the 83
Revised Code and meets the requirements for renewal established 84
in rules adopted under section 3724.05 of the Revised Code. 85

Sec. 3724.05. (A) Not later than ninety days after the 86
effective date of this section, the director of health shall 87
adopt rules establishing standards and procedures for the 88
licensure and regulation of prescribed pediatric extended care 89
centers, including rules that do all of the following: 90

(1) Establish license application and renewal procedures; 91

(2) Specify the reasons for which the department may 92
refuse to issue or renew, suspend, or revoke a license or 93
otherwise impose discipline on a license holder; 94

(3) Establish standards for providing and delivering, and 95
for allowing for the provision of, the services, supports, and 96
therapies described in section 3724.06 of the Revised Code, in 97
particular, in a manner that is family-centered while also 98
individualized for each medically dependent or technologically 99
dependent child and the child's caregiver and in a setting that 100
is both integrated and inclusive; 101

(4) Establish standards to ensure that the center's 102
conditions and physical surroundings are healthy, safe, and 103
sanitary; 104

(5) Establish minimum qualifications for employment as an 105
operator, registered nurse, licensed practical nurse, or other 106
staff member as well as training requirements for such 107
employees; 108

(6) Specify the manner in which medical records, data, and 109
other information relating to the children and families 110
receiving services, supports, and therapies are to be 111
maintained; 112

(7) Establish standards and procedures for providing 113
medical transportation services to and from prescribed pediatric 114
extended care centers, including by ensuring both of the 115
following: 116

(a) That nursing support is available when such services 117
are provided; 118

(b) That a provider of medical transportation services is 119
prohibited from providing such services to and from a center if 120
the provider is related to the center's owner or operator by 121
blood, marriage, or adoption. 122

(8) Establish procedures and a timeline for conducting 123
center inspections and audits. 124

The director also may adopt any other rules the director 125
considers necessary to implement and administer this chapter. 126

(B) The rules described in this section shall be adopted 127
in accordance with Chapter 119. of the Revised Code. 128

Sec. 3724.06. (A) (1) A prescribed pediatric extended care 129

center licensed under this chapter may provide and deliver at 130
the center, for a part of the day, any of the following 131
nonresidential services to medically dependent or 132
technologically dependent children who are not related to the 133
center's owner or operator by blood, marriage, or adoption: 134

(a) Medical services; 135

(b) Nursing services; 136

(c) Psychosocial services; 137

(d) Developmental education. 138

(2) The center also may provide and deliver services to 139
meet the caregiver training needs of a medically dependent or 140
technologically dependent child's legal guardian. 141

(B) In addition to the services a prescribed pediatric 142
extended care center may provide and deliver under division (A) 143
of this section, the center may allow for any of the following 144
nonresidential services, supports, and therapies to be provided, 145
for a part of the day, at the center: 146

(1) Speech therapy; 147

(2) Occupational therapy; 148

(3) Physical therapy; 149

(4) Social work services; 150

(5) Developmental services; 151

(6) Child life services; 152

(7) Psychological services; 153

(8) Behavioral supports. 154

In allowing for the services, supports, and therapies 155
described in this division to be provided for at the center, the 156
center may contract with another entity to provide those 157
services, supports, and therapies. 158

Sec. 3724.07. In operating a prescribed pediatric extended 159
care center, a center is subject to all of the following 160
requirements: 161

(A) The center shall maintain the following medically 162
dependent or technologically dependent child-to-staff ratios: 163

(1) When caring for not more than twelve children, two 164
registered nurses; 165

(2) When caring for at least thirteen but not more than 166
twenty children, two registered nurses and one licensed 167
practical nurse; 168

(3) When caring for at least twenty-one but not more than 169
thirty children, three registered nurses and two licensed 170
practical nurses. 171

For every eight children added to the thirty children 172
described in division (A) (3) of this section, the center shall 173
ensure that another registered nurse is providing care, in 174
addition to the three registered nurses described in that 175
division. 176

(B) A nurse manager, or nurse manager's designee, shall be 177
present at the center during its hours of operation. 178

(C) The center shall utilize an electronic medical records 179
system to maintain records relating to the medically dependent 180
and technologically dependent children it enrolls. Such a system 181
shall include all of the following records: daily assessments, 182

medication lists, and reports of medications administered, 183
medication errors, and therapeutic interventions. The center 184
shall ensure that the system allows for periodic audits and 185
assists the center in implementing internal compliance programs. 186

(D) The center shall assist the department of health in 187
any audits the department conducts of the center, including 188
those related to the center's delivery of and billing for 189
services. 190

(E) The center shall consider both of the following when 191
prioritizing enrollment of medically dependent or 192
technologically dependent children: 193

(1) The employment status of parents; 194

(2) The extent of children's medical needs. 195

Sec. 3724.08. (A) Before a medically dependent or 196
technologically dependent child may enroll in a prescribed 197
pediatric extended care center, the child's parent or legal 198
guardian shall submit to the center a referral from the child's 199
provider, describing the child's medical condition, medical 200
stability, and the continuous therapeutic interventions or 201
skilled nursing supervision that the child requires. 202

(B) Once a medically dependent or technologically 203
dependent child enrolls and begins to receive services, 204
supports, and therapies as described in division (A) of section 205
3724.06 of the Revised Code, the child shall remain under the 206
care of a provider other than the center's medical director. The 207
center's medical director, in consultation with the child's 208
provider and parent or legal guardian, shall develop for the 209
child a treatment plan that outlines the child's required 210
therapeutic interventions and skilled nursing supervision. The 211

center's nurse manager shall coordinate the implementation of 212
the child's treatment plan, with the plan's interventions and 213
skilled nursing to be administered by either a registered nurse 214
employed by the center or a licensed practical nurse employed by 215
the center and under the direct supervision of the registered 216
nurse. 217

(C) The center's medical director shall be available 218
either in person or by electronic communication to consult with 219
the center's nurse manager and other nursing staff. On at least 220
a monthly basis, the medical director shall review each child's 221
treatment plan and medical records and shall update the plan as 222
necessary. 223

Sec. 3724.09. The department of health may refuse to issue 224
or renew, suspend, or revoke a license or otherwise impose 225
discipline on a license holder for any violation of this chapter 226
or rules adopted under it. Such discipline may include the 227
imposition of a civil penalty in an amount not more than five 228
hundred dollars for each violation and for each day the 229
violation continues. 230

Sec. 3724.10. Nothing in this chapter prohibits a child 231
care center licensed under Chapter 5104. of the Revised Code 232
from providing, or continuing to provide, special needs child 233
care, as that term is defined in section 5104.01 of the Revised 234
Code. 235

Sec. 3724.99. Whoever violates section 3724.02 of the 236
Revised Code shall be fined in an amount not less than five 237
hundred dollars and not more than ten thousand dollars for each 238
offense. 239

Sec. 5164.27. (A) As used in this section, "medically 240

dependent or technologically dependent child" and "prescribed 241
pediatric extended care center" have the same meanings as in 242
section 3724.01 of the Revised Code. 243

(B) The medicaid director shall seek approval from the 244
United States centers for medicare and medicaid services to 245
cover services provided by a prescribed pediatric extended care 246
center, as described in division (A) (1) of section 3724.06 of 247
the Revised Code, to medically dependent or technologically 248
dependent children in this state as part of the early and 249
periodic screening, diagnostic, and treatment program. 250

(C) To be eligible to receive medicaid payments under this 251
section, a prescribed pediatric extended care center shall hold 252
both of the following: 253

(1) A valid license issued under section 3724.04 of the 254
Revised Code; 255

(2) A valid medicaid provider agreement. 256

Sec. 5166.111. Not later than ninety days after the 257
effective date of this section, the department of medicaid shall 258
establish pediatric-specific processes for level of care 259
determinations that apply when determining if an individual 260
qualifies for services provided under the Ohio home care waiver 261
program. 262