

As Introduced

136th General Assembly

Regular Session

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H. B. No. 566

Representatives Jarrells, Williams

**Cosponsors: Representatives Rader, McNally, Synenberg, Bryant Bailey, Brennan,
Thomas, C., Lawson-Rowe, Upchurch, Robb Blasdel**

To amend section 3727.08; to amend, for the purpose
of adopting a new section number as indicated in
parentheses, section 3727.08 (3722.15); and to
enact sections 3701.0413, 3702.20, and 5119.335
of the Revised Code to require the Director of
Health, hospitals, and urgent care facilities to
create domestic violence protocols for certain
health care professionals and to name this act
the Break the Silence Act.

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

Section 1. That section 3727.08 be amended; section
3727.08 (3722.15) be amended for the purpose of adopting a new
section number as indicated in parentheses; and sections
3701.0413, 3702.20, and 5119.335 of the Revised Code be enacted
to read as follows:

Sec. 3701.0413. (A) As used in this section:

(1) "Domestic violence" has the same meaning as in section
3113.31 of the Revised Code.

(2) "Health care professional" means the following:

<u>(a) A physician licensed under Chapter 4731. of the</u>	19
<u>Revised Code to practice medicine and surgery or osteopathic</u>	20
<u>medicine and surgery;</u>	21
<u>(b) A physician assistant licensed under Chapter 4730. of</u>	22
<u>the Revised Code;</u>	23
<u>(c) A clinical nurse specialist, certified nurse</u>	24
<u>practitioner, or certified nurse-midwife licensed under Chapter</u>	25
<u>4723. of the Revised Code;</u>	26
<u>(d) A certified mental health assistant licensed under</u>	27
<u>Chapter 4772. of the Revised Code;</u>	28
<u>(e) Any health care worker performing initial patient</u>	29
<u>assessments at a hospital or urgent care facility, including:</u>	30
<u>(i) A registered nurse or licensed practical nurse</u>	31
<u>licensed under Chapter 4723. of the Revised Code;</u>	32
<u>(ii) A nurse aide;</u>	33
<u>(iii) A medical assistant;</u>	34
<u>(iv) Any other health care worker performing initial</u>	35
<u>patient assessments.</u>	36
<u>(3) "Hospital" means a hospital licensed under Chapter</u>	37
<u>3722. of the Revised Code or a hospital licensed under section</u>	38
<u>5119.33 of the Revised Code to receive persons with mental</u>	39
<u>illnesses.</u>	40
<u>(4) "Urgent care facility" means a facility where</u>	41
<u>ambulatory care is provided outside a hospital emergency</u>	42
<u>department and is available on a walk-in, non-appointment basis.</u>	43
<u>"Urgent care facility" does not include a primary care provider.</u>	44
<u>(B) The director of health shall develop protocols for</u>	45

health care professionals to follow when a health care 46
professional knows or has reasonable cause to believe that a 47
patient has been the victim of domestic violence. The protocols 48
shall include guidance regarding the following: 49

(1) Identifying, as part of a medical screening, patients 50
who are victims of domestic violence; 51

(2) Conducting an interview with the patient; 52

(3) Conducting one or more interviews, separate and apart 53
from the interview with the patient, with any family or 54
household member present; 55

(4) Documenting patient injuries or illnesses attributable 56
to domestic violence in a patient's medical record, including 57
creating a photographic record of the patient's injuries 58
whenever possible; 59

(5) Providing to patients who exhibit signs of domestic 60
violence victimization a current referral list of private and 61
public community agencies that provide, or arrange for, the 62
evaluation, counseling, and care of individuals experiencing 63
domestic violence, including hotlines, local domestic violence 64
shelter-based programs, legal services, and information about 65
temporary restraining orders. 66

(C) Within one year after the effective date of this 67
section, the director, or an organization contracted by the 68
director through a competitive bidding process, shall offer 69
training to health care professionals in hospitals and urgent 70
care facilities on how to recognize domestic violence and 71
provide support to victims of domestic violence. The training 72
shall cover the protocols established pursuant to division (B) 73
of this section. 74

(D) An organization contracted to provide training shall 75
have the following: 76

(1) Experience in the development and delivery of 77
standardized curriculum for health care professionals regarding 78
screening for domestic violence and supporting victims of 79
domestic violence; 80

(2) Established relationships with private and public 81
community agencies that provide, or arrange for, the evaluation, 82
counseling, and care of individuals experiencing domestic 83
violence; 84

(3) A history of leadership and collaboration with state 85
and local domestic violence victim advocacy organizations; 86

(4) The capacity to provide training on the scale 87
required. 88

(E) The director or the contracted organization shall make 89
the training developed pursuant to division (C) of this section 90
available to health care professionals at hospitals and urgent 91
care facilities throughout the state. 92

(F) When developing the protocols pursuant to division (B) 93
of this section, the director shall incorporate guidelines 94
developed by the American medical association, American hospital 95
association, hospital accreditation organizations, or the 96
successor organizations of any of the foregoing regarding 97
domestic violence detection and referral. 98

(G) The director shall adopt rules as necessary to 99
implement this section and may include rules determining how 100
frequently health care professionals at hospitals and urgent 101
care facilities must receive domestic violence training. 102

<u>Sec. 3702.20. (A) As used in this section:</u>	103
<u>(1) "Domestic violence" has the same meaning as in section 3113.31 of the Revised Code.</u>	104
<u>(2) "Health care professional" and "urgent care facility" have the same meanings as in section 3701.0413 of the Revised Code.</u>	106
<u>(B) Not later than ninety days after the effective date of this section, each urgent care facility shall adopt protocols for conducting an interview with a patient when a health care professional knows or has reasonable cause to believe that the patient has been the victim of domestic violence; for conducting one or more interviews in those circumstances, separate and apart from the interview with the patient, with any family or household member present; and for documenting patient injuries or illnesses attributable to domestic violence in the patient's medical record, including creating a photographic record of the patient's injuries whenever possible.</u>	109
<u>(C) When adopting the protocols required under division (B) of this section, an urgent care facility may utilize the protocols established by the department of health pursuant to section 3701.0413 of the Revised Code.</u>	120
<u>Sec. 3727.08 3722.15. (A) As used in this section:</u>	124
<u>(1) "Domestic violence" has the same meaning as in section 3113.31 of the Revised Code.</u>	125
<u>(2) "Health care professional" has the same meaning as in section 3701.0413 of the Revised Code.</u>	127
<u>(B) Not later than ninety days after the effective date of this section, every hospital licensed under this chapter shall</u>	129

adopt protocols ~~providing for~~ conducting an interview with ~~the a~~ 131
~~patient,~~ when a health care professional knows or has reasonable 132
cause to believe that the patient has been the victim of 133
domestic violence; for conducting one or more interviews in 134
those circumstances, separate and apart from the interview with 135
the patient, with any family or household member present~~;~~ and 136
for documenting patient injuries or illnesses attributable to 137
domestic violence in the patient's medical record, including 138
creating ~~whenever possible~~ a photographic record of the 139
patient's injuries~~, in situations in which a doctor of medicine~~ 140
~~or osteopathic medicine, hospital intern or resident, or~~ 141
~~registered, advanced practice registered, or licensed practical~~ 142
~~nurse knows or has reasonable cause to believe that the patient~~ 143
~~has been the victim of domestic violence, as defined in section~~ 144
~~3113.31 of the Revised Code~~whenever possible. 145

(C) When adopting the protocols required under division 146
(B) of this section, a hospital may utilize the protocols 147
established by the department of health pursuant to section 148
3701.0413 of the Revised Code. 149

Sec. 5119.335. (A) As used in this section: 150

(1) "Domestic violence" has the same meaning as in section 151
3113.31 of the Revised Code. 152

(2) "Health care professional" has the same meaning as in 153
section 3701.0413 of the Revised Code. 154

(B) Not later than ninety days after the effective date of 155
this section, each hospital licensed under section 5119.33 of 156
the Revised Code shall adopt protocols for conducting an 157
interview with a patient when a health care professional knows 158
or has reasonable cause to believe that the patient has been the 159

victim of domestic violence; for conducting one or more 160
interviews in those circumstances, separate and apart from the 161
interview with the patient, with any family or household member 162
present; and for documenting patient injuries or illnesses 163
attributable to domestic violence in the patient's medical 164
record, including creating a photographic record of the 165
patient's injuries whenever possible. 166

(C) When developing the protocols required under division 167
(B) of this section, a hospital may utilize the protocols 168
established by the department of health pursuant to section 169
3701.0413 of the Revised Code. 170

Section 2. That existing section 3727.08 of the Revised 171
Code is hereby repealed. 172

Section 3. This act shall be known as the Break the 173
Silence Act. 174