OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

H.B. 789
136th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Rep. T. Hall

Local Impact Statement Procedure Required: No

Jake Graffius, Budget Analyst

Highlights

- The Ohio Department of Health may realize costs to investigate complaints and update any materials related to the bill's requirements.

Detailed Analysis

The bill requires a hospital or facility to ensure all of the following during a hospital emergency department or freestanding emergency department's operating hours:

- A physician is on duty and physically present at the emergency department;
- A physician supervises the emergency department's medical and nursing staff and is immediately available to the staff;
- A physician coordinates the emergency department's provision of emergency care, including by being continuously involved in appropriate components of such care.

The Ohio Department of Health (ODH) is responsible for licensing hospitals, as well as inspecting hospitals for compliance with laws and taking actions against hospitals for violating any requirements. ODH may realize costs to investigate complaints or to update any materials related to the bill's requirements.

According to the Ohio Hospital Association, most hospitals, including government-owned hospitals, have an on-duty physician supervising the emergency department during operating hours. However, any government-owned hospital that does not meet the requirements could realize costs to change hospital policy. These costs could include the hiring of additional physicians if necessary or overtime costs. A study published on the National Institutes of Health's website found that 7.4% of emergency departments across the nation did not have 24/7

attending physician coverage.[1] States with the highest percentages of emergency departments without physician coverage were North Dakota, South Dakota, and Montana. The majority (89%) of emergency departments without physician coverage were in critical access hospitals.[2] Of these, 72% were rural and 2% were freestanding facilities. According to the report, less than 5% of Ohio emergency departments lacked 24/7 attending physician coverage. It is unknown how many, if any, are government-owned.

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[1] Of the 82% of emergency departments that responded to the 2022 National ED Inventory survey.

[2] See the Lack of 24/7 Attending Physician Coverage in US Emergency Departments, 2022.