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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 863**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. A. Mathews

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### SUMMARY

- Requires at least 50% of a health care facility's operating threshold of items maintained to protect against the transfer of microorganisms by bodily fluids to consist of reusable infection prevention textiles.
- Establishes requirements for health care facilities when reusing infection prevention textiles, including that the textiles be processed by hygienically clean certified facilities.
- Requires each health care facility to maintain records demonstrating the percentage of its infection prevention textiles available for reuse and to make those records available to the state department responsible for licensing the facility.
- Requires the Departments of Behavioral Health, Developmental Disabilities, and Health to each develop a procedure whereby individuals may report violations of the bill's provisions.

### DETAILED ANALYSIS

#### Health care facilities and infection prevention textiles

The bill addresses a health care facility's operating threshold of items maintained to protect patients, health care professionals, and the medical environment from the transfer of microorganisms by blood or other bodily fluids. It does so by requiring that at least 50% of the facility's threshold consist of reusable infection prevention textiles. The remainder may be comprised of single-use or disposable items that limit the transfer of microorganisms by blood or other bodily fluids.<sup>1</sup>

<sup>1</sup> R.C. 3701.95(B).

## **Infection prevention textile**

For purposes of the bill, an infection prevention textile is defined to mean a fabric-based item that is designed, throughout its useful lifespan, to be laundered and returned in a hygienically clean state to a health care facility for reuse in order to safely and hygienically protect patients, health care providers, and the medical environment by limiting the transfer of microorganisms by blood or other bodily fluids.

These items may include personal protective equipment like isolation gowns, hoods, and boot covers; privacy curtain sheets; pillow cases; bath blankets; thermal blankets; bath towels; face cloths; hand towels; patient gowns; shower curtains; incontinence pads; surgical drapes and wraps; reinforced surgical gowns; scrub suits and warm-up jackets; patient slings; mattress covers; cubical curtains with antimicrobial properties; and other health care grade ultra-microfiber products manufactured to meet federal Centers for Disease Control and Prevention (CDC) health care laundry guidelines.<sup>2</sup>

## **Health care facilities subject to the bill**

The bill's provisions apply to the following health care facility types – with most regulated by the Ohio Department of Health (ODH), some by the Department of Behavioral Health (DBH), and others by the Department of Developmental Disabilities (DDD):

- Ambulatory surgical facilities (ODH);
- Freestanding birthing centers (ODH);
- Freestanding dialysis centers (ODH);
- Freestanding or mobile diagnostic imaging centers (ODH);
- Freestanding inpatient rehabilitation facilities (ODH);
- Freestanding radiation therapy centers (ODH);
- Homes for the aging, nursing facilities or skilled nursing facilities, nursing homes, and residential care facilities (ODH);
- Hospice care and pediatric respite care programs (ODH);
- Hospitals (ODH), including hospitals for those with mental illnesses (DBH);
- Maternity homes (ODH);
- Residential facilities (DBH or DDD).<sup>3</sup>

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<sup>2</sup> R.C. 3701.95(A)(3).

<sup>3</sup> R.C. 3701.95(A)(1).

## Standards for textile reuse

Before a health care facility's personnel may reuse infection prevention textiles, both of the following apply:

- Their reuse must be consistent with CDC guidance;
- The textiles must be processed by a hygienically clean certified facility after each use and then returned to circulation at the health care facility.<sup>4</sup>

For purposes of the bill, a hygienically clean certified facility is a facility that processes one or more infection prevention textiles in a manner that renders the textiles free of pathogens in sufficient numbers to prevent human illness.<sup>5</sup>

In reusing textiles, each health care facility must regularly rotate its stock of materials that are being (1) used, (2) returned to a laundry facility, (3) processed by a hygienically clean certified facility, and (4) returned to the health care facility for reuse.<sup>6</sup>

## Supply chain disruptions

A health care facility is not subject to the bill's requirements if it successfully demonstrates to the department responsible for licensing the facility that it is unable to satisfy those requirements solely as a result of one or more supply chain disruptions beyond its control.<sup>7</sup>

## Recordkeeping

Each health care facility subject to the bill must maintain records demonstrating the percentage of its operating threshold of infection prevention textiles available for reuse. It must also make the records available to the department responsible for licensing the facility on the department's request.<sup>8</sup>

## Reporting violations

DBH, DDD, and ODH each must develop a procedure whereby individuals may report violations.<sup>9</sup> The bill does not specify penalties for violations.

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<sup>4</sup> R.C. 3701.95(C)(1) and (2).

<sup>5</sup> R.C. 3701.95(A)(2).

<sup>6</sup> R.C. 3701.95(C).

<sup>7</sup> R.C. 3701.95(D).

<sup>8</sup> R.C. 3701.95(E)(1).

<sup>9</sup> R.C. 3701.95(E)(2).

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## HISTORY

Action	Date
Introduced	05-12-26

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