

H. B. No. 945
As Introduced

_____ moved to amend as follows:

After line 192, insert:

"(Q) "Chief administrator" means an individual employed by a hospice care program in accordance with this chapter and federal regulations to oversee the daily operations of the program.

(R) "Geographic service area" means the geographic area, identified by county or by another method prescribed by the department of health, in which a hospice care program provides or proposes to provide hospice care and services."

In line 236, delete "department" and insert "director"

In line 237, delete "exempting" and insert ":

(1) Exempting"

In line 240, after "Code" insert ";

(2) Establishing procedures for the review, approval, or denial of applications for change in ownership required under section 3712.04 of the Revised Code, including procedures for



<u>placing conditions on the approval of applications"</u>	17
In line 281, delete " <u>(E)</u> " and insert " <u>(F)</u> "	18
In line 283, delete " <u>.</u> " and insert " <u>;</u> "	19
In line 284, after " <u>(7)</u> " insert " <u>Identification of the geographic</u>	20
<u>service area in which the applicant proposes to operate the hospice care</u>	21
<u>program and documentation, in a form and manner prescribed by the</u>	22
<u>department, demonstrating that the applicant has sufficient</u>	23
<u>administrative, clinical, and financial capacity to provide hospice care</u>	24
<u>and services throughout the geographic service area, including staffing,</u>	25
<u>contracts, administrative support, and operational infrastructure;</u>	26
<u>(8)</u> "	27
In line 285, delete " <u>(F)</u> " and insert " <u>(G)</u> "	28
In line 335, after " <u>program</u> " insert " <u>in violation of section 3712.20</u>	29
<u>of the Revised Code"</u>	30
In line 338, after " <u>programs</u> " insert " <u>in violation of section</u>	31
<u>3712.20 of the Revised Code"; delete "<u>.</u>"</u>	32
Delete lines 339 through 341	33
In line 342, delete " <u>the United States centers for medicare and</u>	34
<u>medicaid services"</u>	35
In line 343, after " <u>(E)</u> " insert " <u>Prior to suspending or revoking a</u>	36
<u>license under division (D) (3), (6), or (7) of this section, the department</u>	37
<u>shall provide written notice to the hospice care program of the suspension</u>	38
<u>or revocation and shall allow a reasonable opportunity for the program to</u>	39
<u>submit any of the following to avoid license suspension or revocation:</u>	40
<u>(1) For a violation of division (D) (3) of this section,</u>	41
<u>documentation confirming either of the following:</u>	42

(a) That each program licensed at the same address shares common ownership; 43
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(b) That the information indicating that multiple hospice care programs are licensed at the same address is inaccurate or outdated. 45
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(2) For a violation of division (D) (6) of this section, documentation that the information indicating that the chief administrator of the hospice care program serves as the chief administrator of another hospice care program is inaccurate, outdated, permitted by common ownership, or otherwise not indicative of a violation of section 3712.20 of the Revised Code, including documentation showing the chief administrator is no longer employed by, affiliated with, or serving as the chief administrator of another hospice care program. 48
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(3) For a violation of division (D) (7) of this section, documentation that the information indicating that the medical director of the hospice serves as the medical director of more hospice care programs than permitted under section 3712.20 of the Revised Code is inaccurate, outdated, permitted by common ownership, permitted by rule, or otherwise not indicative of a violation of that section. 57
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(F) " 64

In line 352, delete "(F)" and insert "(G)" 65

In line 366, delete "(G)" and insert "(H)" 66

In line 370, delete "(H)" and insert "(I)" 67

In line 377, delete "(I) (1)" and insert "(J) (1)" 68

In line 409, delete "within two hours" 69

In line 411, after "(C)" insert "Maintain adequate staffing to" 70

provide coverage to patients within the hospice care program's geographic 71
service area; 72

(D) Accept new patients only if a nurse licensed under 73
Chapter 4723. of the Revised Code and employed by the hospice 74
care program is geographically located within an approximate two 75
hour travel radius of the patient's residence at the time of 76
admission; 77

(E) " 78

In line 420, strike through "(D)" and insert "(F)" 79

In line 423, strike through "(E)" and insert "(G)" 80

In line 425, strike through "(F)" and insert "(H)" 81

In line 427, strike through "(G)" and insert "(I)" 82

In line 429, strike through "(H)" and insert "(J)" 83

In line 446, strike through "(C)" and insert "(E)" 84

In line 453, strike through "(C) (1)" and insert "(E) (1)" 85

In line 466, strike through "(I)" and insert "(K)" 86

In line 478, delete "(J)" and insert "(L)" 87

After line 483, insert: 88

"(M) Notify the department, in a form and manner 89
prescribed by the department, of any change in the geographic 90
service area in which the hospice care program provides hospice 91
care and services." 92

After line 596, insert: 93

"(C) The department of health shall establish a process 94
through which a hospice care program may update, correct, or 95

challenge department records identifying the chief administrator 96
or medical director of the program. The process shall include an 97
opportunity to submit documentation that an individual 98
identified in department records is no longer employed by, 99
affiliated with, or serving as chief administrator or medical 100
director for the hospice care program." 101

In line 605, delete "Length of stay;" 102

In line 606, delete "(c)" 103

In line 607, delete "(d)" and insert "(c)" 104

In line 608, delete "(e)" and insert "(d)"; after "care" insert ";" 105

(e) Any other measures selected by the department" 106

After line 618, insert: 107

"(C) On an annual basis, the department shall monitor the 108
utilization rate of the hospice aggregate cap set by the United 109
States centers for medicare and medicaid services for hospice 110
care programs licensed under section 3712.04 of the Revised Code 111
and shall do both of the following: 112

(1) Submit a report identifying the hospice care programs 113
that exceed one hundred per cent of the hospice aggregate cap to 114
the secretary of the United States department of health and 115
human services; 116

(2) Establish a threshold for the aggregate cap 117
utilization rate that requires the department to conduct a 118
survey of the program within six months for compliance with the 119
requirements of this chapter and rules adopted under it." 120

In line 634, after "geographic" insert "service"; after "area" 121
insert "in which" 122

In line 635, delete "serve" and insert "operate"; after "." insert	123
"When determining need in a geographic service area, the Department shall	124
consider the following:	125
(1) Existing provider capacity, geographic coverage,	126
patient access, and service availability;	127
(2) Recent hospice care program closures or ownership	128
disruptions;	129
(3) Quality history of existing hospice care programs;	130
(4) The applicant's demonstrated ability to serve the	131
proposed geographic service area;	132
(5) Any other factors the Department determines are	133
relevant."	134
In line 636, delete "(I) (3)" and insert "(J) (3)"	135

The motion was _____ agreed to.

SYNOPSIS

License application

R.C. 3712.03 and 3712.04

Requires an applicant for a hospice care program license	139
to identify the geographic service area in which it intends to	140
operate and to document that the applicant has sufficient	141
administrative, clinical, and financial capacity to serve that	142
area.	143

Permits the Department of Health to adopt rules	144
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establishing procedures for the review, approval, and denial of 145
applications for change in ownership. 146

License suspension and revocation 147

R.C. 3712.04 148

Requires the Department to provide notice to a hospice and 149
a chance to correct information before suspending or revoking a 150
license due to multiple hospice programs being licensed at the 151
same address, a chief administrator being employed by more than 152
one hospice, or a medical director serving as the medical 153
director for more than two hospices. 154

Removes the Department's authority to suspend or revoke a 155
hospice license if in the preceding 36 months the hospice 156
reported a hospice aggregate cap utilization rate greater than 157
80% of the hospice aggregate cap set by the United States 158
Centers for Medicare and Medicaid Services. 159

Provision of services 160

R.C. 3712.01 and 3712.06 161

Eliminates the bill's requirement that a hospice ensures 162
care from a nurse is available within two hours. 163

Requires a hospice to maintain adequate staffing to 164
provide coverage to patients within its geographic service area. 165

Requires a hospice to only admit new patients for whom a 166
nurse employed by the hospice is located within a two-hour 167
travel radius. 168

Requires a hospice to notify the Department of any change 169
in its geographic service area. 170

Record correction 171

R.C. 3712.20	172
Requires the Department to establish a process through	173
which a hospice care program may update, correct, or challenge	174
Department records identifying the chief administrator or	175
medical director of the program.	176
Data collection	177
R.C. 3712.21	178
Eliminates the bill's requirement that the Department	179
monitor hospice care program length of stay.	180
Requires the Department to submit an annual report to the	181
Secretary of the U.S. Department of Health and Human Services	182
identifying hospices that exceeded 100% of the hospice aggregate	183
cap.	184
Requires the Department to establish a threshold for the	185
hospice aggregate cap utilization rate that requires the	186
Department to conduct a compliance survey.	187
New license moratorium	188
Section 3	189
Specifies factors the Department may consider when	190
deciding if a new hospice license should be issued within six	191
months of the bill's effective date.	192