

Sub. H. B. No. 193
As Passed by the House

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "3712.01, 3712.031, 1
3712.061,"; after "3719.05" insert ",", 2

In line 3 of the title, after "substances" insert "and pediatric 3
respite care programs" 4

In line 4, after "sections" insert "3712.01, 3712.031, 3712.061,"; 5
after "3719.05" insert ",", 6

After line 5, insert: 7

"Sec. 3712.01. As used in this chapter: 8

(A) "Hospice care program" means a coordinated program of 9
home, outpatient, and inpatient care and services that is 10
operated by a person or public agency and that provides the 11
following care and services to hospice patients, including 12
services as indicated below to hospice patients' families, 13
through a medically directed interdisciplinary team, under 14
interdisciplinary plans of care established pursuant to section 15
3712.06 of the Revised Code, in order to meet the physical, 16
psychological, social, spiritual, and other special needs that 17



are experienced during the final stages of illness, dying, and	18
bereavement:	19
(1) Nursing care by or under the supervision of a	20
registered nurse;	21
(2) Physical, occupational, or speech or language therapy,	22
unless waived by the department of health pursuant to rules	23
adopted under division (A) of section 3712.03 of the Revised	24
Code;	25
(3) Medical social services by a social worker under the	26
direction of a physician;	27
(4) Services of a home health aide;	28
(5) Medical supplies, including drugs and biologicals, and	29
the use of medical appliances;	30
(6) Physician's services;	31
(7) Short-term inpatient care, including both palliative	32
and respite care and procedures;	33
(8) Counseling for hospice patients and hospice patients'	34
families;	35
(9) Services of volunteers under the direction of the	36
provider of the hospice care program;	37
(10) Bereavement services for hospice patients' families.	38
"Hospice care program" does not include a pediatric	39
respite care program.	40
(B) "Hospice patient" means a patient, other than a	41
pediatric respite care patient, who has been diagnosed as	42
terminally ill, has an anticipated life expectancy of six months	43

or less, and has voluntarily requested and is receiving care 44
from a person or public agency licensed under this chapter to 45
provide a hospice care program. 46

(C) "Hospice patient's family" means a hospice patient's 47
immediate family members, including a spouse, brother, sister, 48
child, or parent, and any other relative or individual who has 49
significant personal ties to the patient and who is designated 50
as a member of the patient's family by mutual agreement of the 51
patient, the relative or individual, and the patient's 52
interdisciplinary team. 53

(D) "Interdisciplinary team" means a working unit composed 54
of professional and lay persons that includes at least a 55
physician, a registered nurse, a social worker, a member of the 56
clergy or a counselor, and a volunteer. 57

(E) "Palliative care" means specialized care for a patient 58
of any age who has been diagnosed with a serious or life- 59
threatening illness that is provided at any stage of the illness 60
by an interdisciplinary team working in consultation with other 61
health care professionals, including those who may be seeking to 62
cure the illness, and that aims to do all of the following: 63

(1) Relieve the symptoms, stress, and suffering resulting 64
from the illness; 65

(2) Improve the quality of life of the patient and the 66
patient's family; 67

(3) Address the patient's physical, emotional, social, and 68
spiritual needs; 69

(4) Facilitate patient autonomy, access to information, 70
and medical decision making. 71

(F) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(G) "Attending physician" means the physician identified by the hospice patient, pediatric respite care patient, hospice patient's family, or pediatric respite care patient's family as having primary responsibility for the medical care of the hospice patient or pediatric respite care patient.

(H) "Registered nurse" means a person registered under Chapter 4723. of the Revised Code to practice professional nursing.

(I) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(J) "Pediatric respite care program" means a program operated by a person or public agency that ~~provides~~ does either of the following:

(1) Provides inpatient respite care and related services, including all of the following services, only to pediatric respite care patients and, as indicated below, pediatric respite care patients' families, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during or leading up to the final stages of illness, dying, and bereavement:

~~(1)~~ (a) Short-term inpatient care, including both palliative and respite care and procedures;

~~(2)~~ (b) Nursing care by or under the supervision of a registered nurse;

(3) <u>(c) Physician's services;</u>	100
(4) <u>(d) Medical social services by a social worker under the direction of a physician;</u>	101 102
(5) <u>(e) Medical supplies, including drugs and biologicals, and the use of medical appliances;</u>	103 104
(6) <u>(f) Counseling for pediatric respite care patients and pediatric respite care patients' families;</u>	105 106
(7) <u>(g) Bereavement services for respite care patients' families.</u>	107 108
<u>(2) Provides in a home-like setting inpatient respite care and related services, including all of the following services, only to pediatric respite care patients and, as indicated below, the parents and siblings of pediatric respite care patients, in order to meet the physical, psychological, social, spiritual, and other special needs of children who have been diagnosed with life-threatening diseases and conditions:</u>	109 110 111 112 113 114 115
<u>(a) Inpatient care, including both palliative and respite care and procedures;</u>	116 117
<u>(b) Skilled nursing care;</u>	118
<u>(c) Nursing care by or under the supervision of a registered nurse;</u>	119 120
<u>(d) Physician's services;</u>	121
<u>(e) Medical social services by a social worker under the direction of a physician;</u>	122 123
<u>(f) Medical supplies, including drugs and biologicals, and the use of medical appliances;</u>	124 125

<u>(g) For a pediatric respite care patients' parents and</u>	126
<u>siblings, counseling, education, visitation, and reunification.</u>	127
"Pediatric respite care program" does not include a	128
hospice care program.	129
(K) "Pediatric respite care patient" means a patient,	130
other than a hospice patient, who is less than twenty-seven	131
years of age and to whom all of the following conditions apply:	132
(1) The patient has been diagnosed with a disease or	133
condition that is life-threatening and is expected to shorten	134
the life expectancy that would have applied to the patient	135
absent the patient's diagnosis, regardless of whether the	136
patient is terminally ill.	137
(2) The diagnosis described in division (K) (1) of this	138
section occurred while the patient was less than eighteen years	139
of age.	140
(3) <u>The patient, or the parent or guardian of the patient</u>	141
<u>if the patient is under eighteen years of age or under</u>	142
<u>guardianship,</u> has voluntarily requested and is receiving care	143
from a person or public agency licensed under this chapter to	144
provide a pediatric respite care program.	145
(L) "Pediatric respite care patient's family" means a	146
pediatric respite care patient's family members, including a	147
spouse, brother, sister, child, or parent, and any other	148
relative or individual who has significant personal ties to the	149
patient and who is designated as a member of the patient's	150
family by mutual agreement of the patient, the relative or	151
individual, and the patient's interdisciplinary team.	152
<u>(M) "Skilled nursing care" means procedures that require</u>	153

<u>technical skills and knowledge beyond those the untrained person</u>	154
<u>possesses and that are commonly employed in providing for the</u>	155
<u>physical, mental, and emotional needs of the ill or otherwise</u>	156
<u>incapacitated. "Skilled nursing care" includes the following:</u>	157
<u>(a) Irrigations, catheterizations, application of</u>	158
<u>dressings, and supervision of special diets;</u>	159
<u>(b) Objective observation of changes in the patient's</u>	160
<u>condition as a means of analyzing and determining the nursing</u>	161
<u>care required and the need for further medical diagnosis and</u>	162
<u>treatment;</u>	163
<u>(c) Special procedures contributing to rehabilitation;</u>	164
<u>(d) Administration of medication by any method ordered by</u>	165
<u>a physician, such as hypodermically, rectally, or orally,</u>	166
<u>including observation of the patient after receipt of the</u>	167
<u>medication;</u>	168
<u>(e) Carrying out other treatments prescribed by the</u>	169
<u>physician that involve a similar level of complexity and skill</u>	170
<u>in administration.</u>	171
Sec. 3712.031. (A) In accordance with Chapter 119. of the	172
Revised Code, the director of health shall adopt, and may amend	173
and rescind, rules:	174
(1) Providing for the licensing of persons or public	175
agencies providing pediatric respite care programs within this	176
state by the department of health and for the suspension and	177
revocation of licenses;	178
(2) Establishing a license fee and license renewal fee for	179
pediatric respite care programs, neither of which shall, except	180
as provided in division (B) of this section, exceed six hundred	181

dollars. The fees shall cover the three-year period during which 182
an existing license is valid as provided in division (B) of 183
section 3712.041 of the Revised Code. 184

(3) Establishing an inspection fee not to exceed, except 185
as provided in division (B) of this section, one thousand seven 186
hundred fifty dollars; 187

(4) Establishing requirements for pediatric respite care 188
program facilities and services; 189

(5) Providing for the granting of licenses to provide 190
pediatric respite care programs to persons and public agencies 191
that are accredited or certified to provide such programs by an 192
entity whose standards for accreditation or certification equal 193
or exceed those provided for licensure under this chapter and 194
rules adopted under it; 195

(6) Establishing interpretive guidelines for each rule 196
adopted under this section. 197

(B) Subject to the approval of the controlling board, the 198
director of health may establish fees in excess of the maximum 199
amounts specified in this section, provided that the fees do not 200
exceed those amounts by greater than fifty per cent. 201

(C) The department of health shall: 202

(1) Grant, suspend, and revoke licenses for pediatric 203
respite care programs in accordance with this chapter and rules 204
adopted under it; 205

(2) Make such inspections as are necessary to determine 206
whether pediatric respite care program facilities and services 207
meet the requirements of this chapter and rules adopted under 208
it; and 209

(3) Implement and enforce provisions of this chapter and rules adopted under it as such provisions apply to pediatric respite care programs.	210 211 212
<u>(D) Rules adopted under this section that relate to a pediatric respite care program described under division (J) (2) of section 3712.01 of the Revised Code are not subject to sections 121.95 to 121.953 of the Revised Code.</u>	213 214 215 216
Sec. 3712.061. (A) Any person or public agency licensed under section 3712.041 of the Revised Code to provide a pediatric respite care program shall do all of the following:	217 218 219
(1) Provide a planned and continuous pediatric respite care program, the medical components of which shall be under the direction of a physician;	220 221 222
(2) Ensure that care <u>commensurate with a pediatric respite care patient's needs</u> is available twenty-four hours a day and seven days a week;	223 224 225
(3) Establish an interdisciplinary plan of care for each pediatric respite care patient and the patient's family that:	226 227
(a) Is coordinated by one designated individual who shall ensure that all components of the plan of care are addressed and implemented;	228 229 230
(b) Addresses maintenance of patient-family participation in decision making <u>related to the patient's health care and well-being</u> ; and	231 232 233
(c) Is reviewed by the patient's attending physician and by the patient's interdisciplinary team immediately prior to or on admission to each session of respite care.	234 235 236
(4) Have an interdisciplinary team or teams that provide	237

or supervise the provision of pediatric respite care program 238
services and establish the policies governing the provision of 239
the services; 240

(5) Maintain central clinical records on all pediatric 241
respite care patients under its care; 242

(6) In the case of a pediatric respite care program that 243
is described in division (J) (2) of section 3712.01 of the 244
Revised Code, maintain birth certificates and certified 245
guardianship letters of authority for any patient who receives 246
care for longer than thirty days, unless this requirement is 247
waived by the director of health; 248

(7) In the case of a pediatric respite care program that 249
is described in division (J) (2) of section 3712.01 of the 250
Revised Code, provide the services identified in that division 251
to not more than ten patients at any time, unless additional 252
patients are authorized by the director of health. 253

(B) A provider of a pediatric respite care program may 254
include pharmacist services among the other services that are 255
made available to its pediatric respite care patients. 256

(C) A provider of a pediatric respite care program may 257
arrange for another person or public agency to furnish a 258
component or components of the pediatric respite care program 259
pursuant to a written contract. When a provider of a pediatric 260
respite care program arranges for a home health agency to 261
furnish a component or components of the pediatric respite care 262
program to its patient, the care shall be provided by a home 263
health agency pursuant to a written contract under which: 264

(1) The provider of a pediatric respite care program 265
furnishes to the contractor a copy of the pediatric respite care 266

patient's interdisciplinary plan of care that is established 267
under division (A) (3) of this section and specifies the care 268
that is to be furnished by the contractor; 269

(2) The regimen described in the established plan of care 270
is continued while the pediatric respite care patient receives 271
care from the contractor, subject to the patient's needs, and 272
with approval of the coordinator of the interdisciplinary team 273
designated pursuant to division (A) (3) (a) of this section; 274

(3) All care, treatment, and services furnished by the 275
contractor are entered into the pediatric respite care patient's 276
medical record; 277

(4) The designated coordinator of the interdisciplinary 278
team ensures conformance with the established plan of care; and 279

(5) A copy of the contractor's medical record and 280
discharge summary is retained as part of the pediatric respite 281
care patient's medical record." 282

In line 135, after "sections" insert "3712.01, 3712.031, 3712.061,"; 283
after "3719.05" insert "," 284

The motion was _____ agreed to.

SYNOPSIS 285

Home-like pediatric respite care programs 286

R.C. 3712.01, 3712.031, and 3712.061 287

Provides for licensure of an additional type of pediatric 288
respite care program that provides inpatient respite care and 289

related services, including skilled nursing care, in a home-like setting for up to 10 children who have been diagnosed with life-threatening diseases and conditions, but who may not be leading up to the final stages of illness, dying, and bereavement.

Generally applies the same licensure requirements as existing pediatric respite care providers under current law, but also requires the home-like programs to maintain birth certificates and certified guardianship letters of authority for any patient who receives care for longer than thirty days, unless this requirement is waived by the Director of Health.