As Introduced

131st General Assembly

Regular Session 2015-2016 H. B. No. 499

Representatives Grossman, Schuring

Cosponsors: Representatives Blessing, Slesnick, Sweeney, Perales, Green, Brenner, Sprague

A BILL

| To amend section 3701.571 and to enact sections | 1 |
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| 3701.90 and 3701.901 of the Revised Code to | 2 |
| establish the Ohio Parkinson's Disease and | 3 |
| Movement Disorder Registry. | 4 |

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

| Section 1. That section 3701.571 be amended and sections | 5 |
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| 3701.90 and 3701.901 of the Revised Code be enacted to read as | 6 |
| follows: | 7 |
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| Sec. 3701.571. (A) The director of health shall adopt | 8 |
| rules pursuant to Chapter 119. of the Revised Code that | 9 |
| establish a graduated system of fines based on the scope and | 10 |
| severity of violations and the history of compliance, not to | 11 |
| exceed seven hundred fifty dollars per incident, and in an | 12 |
| adjudication under Chapter 119. of the Revised Code, may impose | 13 |
| a fine against any person who violates division (C) of section | 14 |
| 3701.23, division (C) of section 3701.232, division (C) of | 15 |
| section 3701.24, division (B) of section 3701.25, <u>division (E)</u> | 16 |
| (1) of section 3701.90, or division (B) of section 3707.06 of | 17 |
| the Revised Code or against any poison prevention and treatment | 18 |

| center or other health-related entity that fails to comply with | 19 |
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| division (C) of section 3701.201 of the Revised Code. | 20 |
| (B) On request of the director, the attorney general shall | 21 |
| bring and prosecute to judgment a civil action to collect any | 22 |
| fine imposed under division (A) of this section that remains | 23 |
| unpaid. | 24 |
| (C) All fines collected under this section shall be | 25 |
| deposited into the state treasury to the credit of the general | 26 |
| operations fund created under section 3701.83 of the Revised | 27 |
| Code. | 28 |
| Sec. 3701.90. (A) As used in this section and section | 29 |
| 3701.901 of the Revised Code: | 30 |
| (1) "Hospital" has the same meaning as in section 3727.01 | 31 |
| of the Revised Code. | 32 |
| (2) "Movement disorder" includes those disorders and | 33 |
| diseases specified in rules adopted by the director of health | 34 |
| under division (C)(1) of this section. | 35 |
| (3) "Parkinson's disease" means a chronic, progressive | 36 |
| disorder associated with degeneration of the basal ganglia of | 37 |
| the brain and a deficiency of the neurotransmitter dopamine and | 38 |
| marked by resting tremors, muscular rigidity, and slow, | 39 |
| imprecise movement. | 40 |
| (4) "State university" has the same meaning as in section | 41 |
| 3345.011 of the Revised Code. | 42 |
| (B) The department of health shall establish a Parkinson's | 43 |
| disease and movement disorder registry, which shall be known as | 44 |
| the Ohio Parkinson's disease and movement disorder registry. The | 45 |
| registry shall be used for the collection of information | 46 |

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| regarding the incidence of Parkinson's disease and other | 47 |
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| movement disorders in this state. | 48 |
| (C) In consultation with the Ohio Parkinson's disease and | 49 |
| movement disorder advisory council, the director of health shall_ | 50 |
| adopt rules as necessary to carry out the purposes of this | 51 |
| section. The rules shall be adopted in accordance with Chapter | 52 |
| 119. of the Revised Code and do all of the following: | 53 |
| (1) Specify the movement disorders, in addition to | 54 |
| Parkinson's disease, that are to be reported to the department | 55 |
| under division (E) of this section; | 56 |
| (2) Establish reporting requirements for information | 57 |
| concerning cases of Parkinson's disease and other movement | 58 |
| disorders as the director considers necessary to conduct | 59 |
| epidemiologic surveys of those disorders in this state, | 60 |
| including that all such information shall be reported through | 61 |
| <u>electronic means.</u> | 62 |
| (D) The department shall record in the registry all | 63 |
| reports of Parkinson's disease and other movement disorders | 64 |
| received by it. In the development and administration of the | 65 |
| registry, the department may use information compiled by public | 66 |
| or private Parkinson's disease or other movement disorder | 67 |
| registries and may contract for the collection and analysis of, | 68 |
| and research related to, the information recorded under this | 69 |
| section. | 70 |
| (E)(1) All persons designated by the department shall | 71 |
| submit to the department information requested by the department | 72 |
| to maintain the registry. | 73 |
| All hospitals or persons providing diagnostic or treatment | 74 |
| services to patients with Parkinson's disease or other movement | 75 |

| disorders shall grant to the department or its authorized | 76 |
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| representative access to all records that identify cases of | 77 |
| Parkinson's disease or other movement disorders, establish | 78 |
| characteristics or treatment of Parkinson's disease or other | 79 |
| movement disorders, or establish the medical status of any | 80 |
| identified Parkinson's disease or other movement disorder | 81 |
| patient. | 82 |
| (2) Any person required to report information pursuant to | 83 |
| this section may elect to submit the information to the | 84 |
| department through another registry that includes Parkinson's | 85 |
| disease or other movement disorder information if the other | 86 |
| registry meets the reporting standards established by the | 87 |
| director under this section and collects the same Parkinson's | 88 |
| disease or other movement disorder information as the registry | 89 |
| established under this section. | 90 |
| (2) In the charge of willful on worten missenduct | 91 |
| (3) In the absence of willful or wanton misconduct, a | - |
| person who furnishes information to the department under this | 92 |
| section with respect to any patient the person examined or | 93 |
| treated is not liable in damages to any person for furnishing | 94 |
| the information and is not subject to professional disciplinary | 95 |
| action for betrayal of a professional confidence for furnishing | 96 |
| the information. The information is not subject to introduction | 97 |
| into evidence in any civil action against the provider. A person | 98 |
| who furnishes information to the department under this section | 99 |
| is not liable for the misuse or improper release of the | 100 |
| information by the department or by any person. | 101 |
| (F) The department may, by contract, designate a state_ | 102 |
| university as its agent to implement some or all of this section | 103 |
| and the rules adopted under this section. | 104 |
| (G) Information reported under this section that is | 105 |

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| protected health information pursuant to section 3701.17 of the | 106 |
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| Revised Code shall be released only in accordance with that | 107 |
| section. Information that does not identify an individual may be | 108 |
| released in summary, statistical, or aggregate form. | 109 |
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| Sec. 3701.901. There is hereby created the Ohio | 110 |
| Parkinson's disease and movement disorder advisory council | 111 |
| consisting of the following members appointed by the governor | 112 |
| with the advice and consent of the senate: | 113 |
| (A) A member of the state board of pharmacy; | 114 |
| (B) An epidemiologist certified by the certification board | 115 |
| of infection control and epidemiology, inc.; | 116 |
| (C) A physician whose practice actively involves the | 117 |
| treatment of Parkinson's disease or other movement disorders; | 118 |
| (D) An individual diagnosed with Parkinson's disease or | 119 |
| another movement disorder; | 120 |
| (E) An individual with a family member who has been | 121 |
| diagnosed with Parkinson's disease or another movement disorder. | 122 |
| Vacancies on the council shall be filled in the same | 123 |
| manner as the initial appointments. Members shall serve without | 124 |
| compensation. | 125 |
| The council shall advise the department of health on the | 126 |
| implementation of section 3701.90 of the Revised Code. The | 127 |
| council shall meet at least twice per year. | 128 |
| Section 2. That existing section 3701.571 of the Revised | 129 |
| Code is hereby repealed. | 130 |