

As Introduced

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H. B. No. 353

Representative Sears

**Cosponsors: Representatives Carey, Combs, Derickson, Gonzales,
Grossman, Hackett, Hollington, McGregor, Murray, Newbold, Peterson,
Stebelton, Thompson**

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A B I L L

To amend sections 3727.35, 3727.36, 3727.37, 3727.38, 1
3727.39, 3727.40, 3727.41, and 3727.45 and to 2
repeal sections 3727.31, 3727.311, 3727.312, 3
3727.313, 3727.32, 3727.321, 3727.33, and 3727.331 4
of the Revised Code to repeal certain hospital 5
performance reporting requirements. 6

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

Section 1. That sections 3727.35, 3727.36, 3727.37, 3727.38, 7
3727.39, 3727.40, 3727.41, and 3727.45 of the Revised Code be 8
amended to read as follows: 9

Sec. 3727.35. The director of health shall permit a hospital 10
to verify the accuracy of all information submitted to the 11
director under ~~sections 3727.33~~ and section 3727.34 of the Revised 12
Code and provide corrections of the information in a timely 13
manner. 14

Sec. 3727.36. Under no circumstances shall the name or social 15
security number of a patient, physician, or dentist be included in 16

the information submitted under section ~~3727.33~~ or 3727.34 of the Revised Code. 17
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Sec. 3727.37. A hospital that submits information under section ~~3727.33~~ or 3727.34 of the Revised Code is not liable for the misuse or improper release of the information by any of the following: 19
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(A) The department of health; 23

(B) A person with whom the director of health contracts under section 3727.391 of the Revised Code; 24
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(C) A person whose misuse or improper release of the information is not done on behalf of the hospital. 26
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Sec. 3727.38. The information submitted under section ~~3727.33~~ or 3727.34 of the Revised Code shall not be used to establish or alter any professional standard of care. The information is not admissible as evidence in any civil, criminal, or administrative proceeding. 28
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Sec. 3727.39. (A) The duties of the director of health under this section are subject to section 3727.391 of the Revised Code. 33
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(B) Not later than ninety days after a hospital submits information to the director of health under section ~~3727.33~~ or 3727.34 of the Revised Code, the director shall make the submitted information available on an internet web site. In making the information available on a web site, the director shall do all of the following: 35
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(1) Make the web site available to the public without charge; 41

(2) Provide for the web site to be organized in a manner that enables the public to use it easily; 42
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(3) Exclude from the web site any information that 44

compromises patient privacy; 45

(4) Include links to hospital internet web sites to enable 46
the public to obtain additional information about hospitals, 47
including hospital programs designed to enhance quality and 48
safety; 49

(5) Allow other internet web sites to link to the web site 50
for purposes of increasing the web site's availability and 51
encouraging ongoing improvement; 52

(6) Update the web site as needed to include new information 53
and to correct errors. 54

~~(C) The information submitted under section 3727.33 of the 55
Revised Code shall be presented on the web site in a manner that 56
enables the public to compare the performance of hospitals in 57
meeting the measures for hospital inpatient and outpatient 58
services specified in rules adopted under section 3727.41 of the 59
Revised Code. In making the information available on a web site, 60
the director shall do all of the following: 61~~

~~(1) Enable the public to compare the performance of hospitals 62
in meeting the measures for specific diagnoses and procedures; 63~~

~~(2) Enable the public to make the comparisons by different 64
geographic regions, such as by county or zip code; 65~~

~~(3) Based on the report issued to the director pursuant to 66
division (A)(2) of section 3727.32 of the Revised Code, include a 67
report of each hospital's overall performance in meeting the 68
measures; 69~~

~~(4) To the extent possible, include state and federal 70
benchmarks for the measures; 71~~

~~(5) Include contextual information and explanations that the 72
public can easily understand, including contextual information 73
that explains why differences in the performance of hospitals in 74~~

~~meeting the measures may be misleading;~~ 75

~~(6) Exclude from the web site a hospital's performance in 76
meeting a particular measure if the hospital's caseload for the 77
diagnosis or procedure that the measure concerns is insufficient, 78
as determined in accordance with the guidelines submitted to the 79
director under division (A)(3) of section 3727.32 of the Revised 80
Code, to make the hospital's performance for the diagnosis or 81
procedure a reliable indicator of its ability to treat the 82
diagnosis or provide the procedure in a quality manner;~~ 83

~~(7) Clearly identify the sources of information used in the 84
web site and explain both of the following:~~ 85

~~(a) The analytical methods used in determining the 86
performance of hospitals in meeting the measures;~~ 87

~~(b) The risk adjustment methodologies that hospitals use to 88
adjust information submitted to the director pursuant to division 89
(C) of section 3727.33 of the Revised Code.~~ 90

Sec. 3727.40. Not later than ninety days after a hospital 91
submits information to the director of health under section 92
~~3727.33 or~~ 3727.34 of the Revised Code, the director shall make 93
the submitted information available for sale to any interested 94
person or government entity. When the director sells the 95
information, the fee charged shall not exceed a reasonable amount. 96

Sec. 3727.41. ~~(A)(1)~~ The director of health shall adopt rules 97
governing hospitals in their submission of information to the 98
director under ~~sections 3727.33 and~~ section 3727.34 of the Revised 99
Code. The rules shall be adopted in accordance with Chapter 119. 100
of the Revised Code. 101

~~(2) Rules adopted by the director under division (A)(1) of 102
this section shall not require either of the following:~~ 103

~~(a) A hospital to submit information regarding a performance, quality, or service measure for which the hospital does not provide the service;~~ 104
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~~(b) A children's hospital to report a performance, quality, or service measure for patients eighteen years of age or older.~~ 107
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~~(B)(1) The rules for submission of information under section 3727.33 of the Revised Code shall include rules specifying the inpatient and outpatient service measures to be used by hospitals in submitting the information. The rules may include any of the measures recommended by the group of experts convened under section 3727.32 of the Revised Code and shall include measures from the following:~~ 109
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~~(a) Hospital quality measures publicly reported by the centers for medicare and medicaid services;~~ 116
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~~(b) Hospital quality measures publicly reported by the joint commission;~~ 118
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~~(c) Measures that examine volume of cases, adjusted length of stay, complications, infections, or mortality rates and are developed by the agency for health care research and quality;~~ 120
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~~(d) Measures included in the national voluntary consensus standards for hospital care endorsed by the national quality forum.~~ 123
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~~(2) In adopting rules specifying the measures to be used by hospitals in submitting the information, the director shall consider both of the following:~~ 126
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~~(a) Whether hospitals have a sufficient caseload to make a particular measure a reliable indicator of their ability to treat a diagnosis or perform a procedure in a quality manner;~~ 129
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~~(b) Whether there are any excessive administrative or financial implications associated with the reporting of~~ 132
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~~information by hospitals regarding their performance in meeting a~~ 134
~~particular measure.~~ 135

Sec. 3727.45. The director of health may apply to the court 136
of common pleas of the county in which a hospital is located for a 137
temporary or permanent injunction restraining the hospital from 138
failure to comply with sections ~~3727.33~~, 3727.34, and 3727.42 of 139
the Revised Code. 140

Section 2. That existing sections 3727.35, 3727.36, 3727.37, 141
3727.38, 3727.39, 3727.40, 3727.41, and 3727.45 and sections 142
3727.31, 3727.311, 3727.312, 3727.313, 3727.32, 3727.321, 3727.33, 143
and 3727.331 of the Revised Code are hereby repealed. 144