



Ohio Legislative Service Commission

Synopsis of House Committee Amendments*

Lisa Musielewicz

Sub. S.B. 276

130th General Assembly
(H. Health & Aging)

As described below, modifies the Senate-passed provisions regarding infant safe sleep practices and Shaken Baby Syndrome education and adds a number of other provisions regarding various health-related matters.

Infant safe sleep practices and Shaken Baby Syndrome education

Safe crib requirement

Removes a provision prohibiting a hospital or freestanding birthing center ("facility") from discharging an infant who was born at the facility and determined unlikely to have a safe crib¹ at the infant's residence until that facility arranges for the infant's parent² to obtain a safe crib free of charge using the options specified in the bill.

Replaces the provision above with a provision requiring facilities subject to the bill's requirements (see "**Hospitals subject to the bill's requirements**," below) to make a good faith effort to arrange for the parent to obtain a safe crib free of charge using the options specified by the bill.

Eliminates the reference to an "infant born at the facility," meaning the good faith requirement applies to any infant discharged from the facility to the infant's residence following birth.

¹ The As Reported by House Committee version defines "crib" as including a portable play yard or other suitable sleeping place.

² For purposes of this document, "parent" also includes a guardian or other person responsible for the infant (including a foster caregiver) as referenced in the As Reported by House Committee and Senate-Passed versions.

* This synopsis does not address amendments that may have been adopted on the House Floor.

Options for obtaining a safe crib

Increases to four (from two) the number of options a facility has for complying with the bill's safe crib requirement, specifically by allowing a facility to (1) refer a parent to a person or government entity that is able to procure a safe crib or provide money to purchase one or (2) use the facility's own resources to obtain a safe crib for the parent.

Regarding the compliance option that authorizes a facility to refer the parent to a Cribs for Kids Program site administered by the Ohio Department of Health (ODH), clarifies that this option is available only if funds for that Program are available.

Immunity for a defective crib

Grants absolute immunity from civil liability, as well as immunity from criminal prosecution, to a facility and any facility employee, contractor, or volunteer, for injury, death, or loss to person or property that allegedly arises from a crib obtained by a parent as a result of any action the facility, employee, contractor, or volunteer takes to comply with the bill's safe crib requirement.

Hospitals subject to the bill's requirements

Clarifies that the bill's educational material distribution requirements (regarding infant safe sleep practices and Shaken Baby Syndrome) and safe sleep procedure requirements apply only to general or children's hospitals that (1) have a maternity unit or (2) receive for care infants who have been transferred to them from other facilities and have never been discharged to their residences following birth.

Commission on Infant Mortality

Creates the Commission on Infant Mortality and specifies the Commission's duties.

Technical and conforming changes

Makes technical and conforming changes associated with the bill's provisions on infant safe sleep and Shaken Baby Syndrome.

Pharmacy Board and drug offenses

Ohio Automated Rx Reporting System (OARRS)

Modifies the circumstances when prescribers are required to review patient information in OARRS.

Opioid prescriptions for minors

Specifies that an emergency facility is not required to obtain written parental consent for an opioid prescription when treating a minor.

Semiannual opioid prescription report

Requires the State Board of Pharmacy to submit a semiannual report to the Governor, legislative leaders, and others regarding aggregated opioid prescription information currently being submitted to OARRS by pharmacies and prescribers.

Criminal offense – "corrupting another with drugs"

Expands the offense of corrupting another with drugs to include within the offense a prohibition against knowingly furnishing or administering to a pregnant woman, or inducing or causing a pregnant woman to use, a controlled substance when the offender knows that the woman is pregnant or is reckless in that regard.

Increases the penalty for corrupting another with drugs if a person violates the prohibition described above.

Radiologic professionals

Authorizes ODH to reinstate an individual's inactive or lapsed license to practice as a general x-ray machine operator, radiographer, radiation therapy technologist, or nuclear medicine technologist.

Specifies that an individual may apply for license reinstatement even if the individual had applied for a new license under pre-existing rules and that application was denied.

Lyme disease testing notice

Repeals provisions that require a dentist, advanced practice registered nurse, physician assistant, or physician, when ordering a test for the presence of Lyme disease in a patient, to provide the patient or patient's representative with certain information regarding Lyme disease testing.

Nursing facilities' Medicaid provider agreement terms

Allows a nursing facility to continue, on and after January 1, 2015, to exclude one or more parts from its Medicaid provider agreement if certain conditions are met.

Allows a nursing facility to continue, on and after January 1, 2015, to refuse to admit an individual who is or may become a Medicaid recipient if at least 25% (rather

than 80%) of its Medicaid-certified beds are occupied by Medicaid recipients at the time the individual would otherwise be admitted.

Effective dates

Declares an emergency and establishes the following delayed effective dates for the bill's provisions:

- For the provisions regarding radiologic professionals and nursing facilities – January 1, 2015;
- For the remaining provisions – 90 days after the bill's effective date.