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H.B. 141  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Baker and Abrams

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### SUMMARY

- Recognizes prescribed pediatric extended care centers, facilities providing services to medically or technologically dependent children, and regulates their operation, including by requiring each center to hold a license issued by the Director of Health.
- Establishes eligibility conditions for licensure, including that a prescribed pediatric extended care center (1) employ a medical director and at least one nurse manager and (2) operate a child care center at the same address as the prescribed pediatric extended care center.
- Authorizes a licensed center to provide and deliver medical, nursing, and psychosocial services and developmental education to medically dependent or technologically dependent children while at the center.
- Also authorizes a licensed center to allow for other entities to provide certain services, supports, and therapies to children while at the center, including developmental and social work services, behavioral supports, and occupational, physical, and speech therapy.
- Requires the Medicaid Director to seek approval from the federal Centers for Medicare and Medicaid Services to cover services provided by licensed prescribed pediatric extended care centers.
- Requires the Department of Medicaid to establish pediatric-specific processes for level of care determinations that apply for eligibility determinations for the Ohio Home Care Waiver program.

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## DETAILED ANALYSIS

### Prescribed pediatric extended care centers

H.B. 141 recognizes prescribed pediatric extended care centers and regulates their operation, including by requiring each center to hold a license issued by the Director of Health.<sup>1</sup> The bill defines a ***prescribed pediatric extended care center*** to mean a facility other than a hospital, whether operated for profit or not, that provides and delivers, or allows for the provision of, certain services, supports, or therapies to medically dependent or technologically dependent children and their legal guardians.<sup>2</sup>

#### Unauthorized operation

The bill prohibits a person, firm, organization, institution, or agency from knowingly operating a prescribed pediatric extended care center without a license issued by the Director of Health.<sup>3</sup> Each violation is subject to a fine in an amount not less than \$500 and not more than \$10,000.<sup>4</sup>

#### Applying for a license

A person, firm, organization, institution, or agency seeking a license to operate a prescribed pediatric extended care center must file an application with the Director of Health in a manner prescribed by the Director.<sup>5</sup>

#### Eligibility conditions

To be eligible to receive the license, an applicant must satisfy the following requirements:

- Hold a current, valid child care center license and operate the child care center at the same address at which the prescribed pediatric extended care center will operate;
- Contract with or employ a medical director who is a physician specializing in pediatric medicine and has at least three years of clinical experience in that specialty;
- Contract with or employ one or more nurse managers, with each nurse manager being a registered nurse with clinical experience in pediatric nursing;
- Submit a \$1,000 initial application fee or, in the case of a facility that already holds a prescribed pediatric extended care center license, a \$250 initial application fee.<sup>6</sup>

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<sup>1</sup> R.C. Chapter 3724.

<sup>2</sup> R.C. 3724.01(F).

<sup>3</sup> R.C. 3724.02.

<sup>4</sup> R.C. 3724.99.

<sup>5</sup> R.C. 3724.03(A).

<sup>6</sup> R.C. 3724.03(B).

The bill requires the Director to review each application it receives. After receiving an application that the Director considers complete, the Director must determine whether the applicant meets the bill's eligibility requirements.<sup>7</sup>

### **Issuing and renewing a license**

If the Director of Health determines that an applicant has met the bill's eligibility conditions, the Director is required to issue a prescribed pediatric extended care license to the applicant.<sup>8</sup> Each license is valid for three years, unless revoked or suspended, expires on the date that is three years after the date of issuance, and may be renewed for additional three-year periods.<sup>9</sup>

To renew a license, a center must submit a renewal application to the Director on or before the license's expiration date and in a manner prescribed by the Director. Each application must be accompanied by a \$500 renewal fee. The Director is required to renew the license if the applicant continues to hold a current, valid child care license and meets any renewal requirements established by the Director in rule.<sup>10</sup>

### **License holder discipline**

The bill authorizes the Department of Health to refuse to issue or renew or to suspend or revoke a license or otherwise impose discipline on a license holder for any violation of the bill's provisions or rules adopted under it. Discipline may include imposing a civil penalty in an amount not more than \$500 for each violation and for each day the violation occurs.<sup>11</sup>

### **Medically dependent or technologically dependent children – enrollment and authorized services**

The bill authorizes certain nonresidential services, supports, and therapies to be provided to medically dependent or technologically dependent children enrolled in licensed centers.<sup>12</sup> For purposes of the bill, a ***medically dependent or technologically dependent child*** is an individual who is less than 21 years of age and requires, as a result of a medical condition, continuous therapeutic interventions or skilled nursing supervision.<sup>13</sup>

### **Referral required for enrollment**

Before a medically dependent or technologically dependent child may enroll in a licensed center, the child's parent or legal guardian must submit a referral from the child's physician. The

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<sup>7</sup> R.C. 3724.03(C).

<sup>8</sup> R.C. 3724.04(A).

<sup>9</sup> R.C. 3724.04(B).

<sup>10</sup> R.C. 3724.04(C).

<sup>11</sup> R.C. 3724.09.

<sup>12</sup> R.C. 3724.06.

<sup>13</sup> R.C. 3724.01(C).

referral must include a description of the child's medical condition, medical stability, and the continuous therapeutic interventions or skilled nursing supervision that the child requires.<sup>14</sup>

### **Services provided by the center**

A licensed center may provide and deliver at the center, for a part of the day, any of the following nonresidential services to medically dependent or technologically dependent children who are not related to the center's owner or operator by blood, marriage, or adoption:

- Medical services;
- Nursing services;
- Psychosocial services;
- Developmental education.

The center also may provide and deliver services to meet the caregiver training needs of a medically dependent or technologically dependent child's legal guardian.<sup>15</sup>

### **Services performed at the center but provided by other entities**

A licensed center may allow for any of the following nonresidential services, supports, or therapies to be provided, for a part of the day, at the center: speech therapy; occupational therapy; physical therapy; social work services; developmental services; child life services; psychological services; and behavioral supports. In allowing for the foregoing services, supports, and therapies to be provided at the center, the center may contract with another entity to provide them.<sup>16</sup>

### **Standards for operating a center**

The bill establishes standards for operating a licensed prescribed pediatric extended care center, including those that relate to the following topics.

#### **Medical director duties**

Once a medically dependent or technologically dependent child enrolls in a licensed center and begins to receive its services, the child must remain under the care of a physician other than the center's medical director. But, the medical director, in consultation with the child's physician and parent or legal guardian, must develop a treatment plan that outlines the child's required therapeutic interventions and skilled nursing supervision.<sup>17</sup>

The bill requires the center's medical director to be available either in person or by electronic communication to consult with the center's nurse manager or other nursing staff. And,

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<sup>14</sup> R.C. 3724.08(A).

<sup>15</sup> R.C. 3724.06(A).

<sup>16</sup> R.C. 3724.06(B).

<sup>17</sup> R.C. 3724.08(B).

on at least a monthly basis, the medical director must review each child's treatment plan and medical records and must update the plan as necessary.<sup>18</sup>

### **Nurse duties**

The bill requires a nurse manager, or nurse manager's designee, to be present at the center during its hours of operation.<sup>19</sup> It also directs the nurse manager to coordinate the implementation of a child's treatment plan.

The bill specifies that a treatment plan's interventions and skilled nursing are to be administered by either a registered nurse employed by the center or a licensed practical nurse also employed by the center and under the registered nurse's direct supervision.<sup>20</sup>

### **Child-to-staff ratios**

The bill sets the following medically dependent or technologically dependent child-to-staff ratios:

- When caring for not more than 12 children, two registered nurses;
- When caring for at least 13 but not more than 20 children, two registered nurses and one licensed practical nurse;
- When caring for at least 21 but not more than 30 children, three registered nurses and two licensed practical nurses.

For every 8 children added to the 30 children, the center must ensure that another registered nurse is providing care, in addition to the other three registered nurses.<sup>21</sup>

### **Electronic medical records system**

The bill requires the center to use an electronic medical records system to maintain records relating to the medically dependent and technologically dependent children it enrolls. The system must include the following records: daily assessments; medication lists; and reports of medications administered, medication errors, and therapeutic interventions. The center is required to ensure that the system allows for periodic audits and assists the center in implementing internal compliance programs.<sup>22</sup>

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<sup>18</sup> R.C. 3724.08(C).

<sup>19</sup> R.C. 3724.07(B).

<sup>20</sup> R.C. 3724.08(B).

<sup>21</sup> R.C. 3724.07(A).

<sup>22</sup> R.C. 3724.07(C).

## Department of Health audits

The bill requires the center to assist the Department of Health in any audits the Department conducts of the center, including those related to the center's delivery of and billing for services.<sup>23</sup>

## Director of Health rulemaking

The bill requires the Director of Health to adopt rules establishing standards and procedures for the licensure and regulation of prescribed pediatric extended care centers. The required rules must be adopted not later than 90 days after the bill's effective date. The bill also authorizes the Director to adopt any other rules the Director considers necessary to implement the bill's provisions.<sup>24</sup> All rules must be adopted in accordance with Ohio's Administrative Procedure Act.<sup>25</sup>

The required rules must establish or specify the following:

- License application and renewal procedures;
- Reasons for which the Department of Health may refuse to issue or renew, suspend, or revoke a license or otherwise impose discipline on a license holder;
- Standards for providing and delivering, and for allowing for the provision of, services to medically dependent or technologically dependent children, in particular, in a manner that is family-centered while also individualized for each child and the child's caregiver and in a setting that is both integrated and inclusive;
- Standards to ensure that a center's conditions and physical surroundings are healthy, safe, and sanitary;
- Minimum qualifications for employment as an operator, registered nurse, licensed practical nurse, or other staff member as well as their training requirements;
- Methods for maintaining medical records, data, and other information relating to the children and families receiving services;
- Standards and procedures for providing medical transportation services to and from centers, including by ensuring that nursing support is available and prohibiting medical transportation service providers who are related to center owners;
- Procedures and a timeline for conducting center inspections and audits.<sup>26</sup>

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<sup>23</sup> R.C. 3724.07(D).

<sup>24</sup> R.C. 3724.05(A).

<sup>25</sup> R.C. 3724.05(B). See also R.C. Chapter 119, not in the bill.

<sup>26</sup> R.C. 3724.05(A).

## Medicaid coverage

The bill requires the Medicaid Director to seek approval from the federal Centers for Medicare and Medicaid Services to cover services provided by licensed prescribed pediatric extended care centers to medically dependent or technologically dependent children as part of the existing Early and Periodic Screening, Diagnostic, and Treatment Program.<sup>27</sup>

To be eligible to receive Medicaid payments for those services, a center must hold a valid license issued by the Director of Health as well as a valid Medicaid provider agreement.<sup>28</sup>

Additionally, the bill requires the Department of Medicaid, not later than 90 days following the bill's effective date, to establish pediatric-specific processes for level of care determinations that are used when determining whether an individual is eligible to receive services under the Ohio Home Care Waiver program.<sup>29</sup>

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## HISTORY

Action	Date
Introduced	03-03-25

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<sup>27</sup> R.C. 5164.27(B).

<sup>28</sup> R.C. 5164.27(C).

<sup>29</sup> R.C. 5166.111.