



Ohio Legislative Service Commission

Bill Analysis

Bob Bennett

H.B. 499

131st General Assembly
(As Introduced)

Reps. Grossman and Schuring, Blessing, Slesnick, Sweeney, Perales, Green, Brenner, Sprague

BILL SUMMARY

- Requires the Department of Health to establish the Ohio Parkinson's Disease and Movement Disorder Registry.
- Requires that the registry be used for the collection of information regarding the incidence of Parkinson's disease and other movement disorders in this state.
- Requires all persons the Department designates to submit information for the registry.
- Requires all hospitals or persons providing diagnostic or treatment services to patients with Parkinson's disease or other movement disorders to give the Department access to certain records.
- Permits the Department to use information compiled by public or private Parkinson's disease or other movement disorder registries and to contract for the collection and analysis of, and research related to, the information recorded under the bill.
- Provides that certain information reported under the bill be released only in accordance with state law governing protected health information.
- Permits information that does not identify an individual to be released in summary, statistical, or aggregate form.
- Permits the Department to designate a state university as its agent to implement some or all of the bill's provisions.

- Creates the Ohio Parkinson's Disease and Movement Disorder Advisory Council to advise the Department about implementing the bill's provisions.

CONTENT AND OPERATION

Ohio Parkinson's Disease and Movement Disorder Registry

Establishment

The bill requires the Department of Health to establish the Ohio Parkinson's Disease and Movement Disorder Registry. The registry is to be used for the collection of information regarding the incidence of Parkinson's disease and other movement disorders in Ohio. "Parkinson's disease" is defined by the bill as a chronic, progressive disorder associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine and marked by resting tremors, muscular rigidity, and slow, imprecise movement. The Director of Health is to adopt rules specifying the other movement disorders the registry is to collect information about.¹

Reporting information

The Director of Health is required to adopt rules establishing reporting requirements the Director considers necessary to conduct epidemiological surveys of Parkinson's disease and other movement disorders in Ohio. This is to include a requirement that all the information be reported through electronic means.²

All persons the Department designates are required by the bill to submit to the Department information that it requests to maintain the Ohio Parkinson's Disease and Movement Disorder Registry. All hospitals or persons providing diagnostic or treatment services to patients with Parkinson's disease or other movement disorders are required to give the Department or its authorized representative access to all records that (1) identify cases of Parkinson's disease or other movement disorders, (2) establish characteristics or treatment of Parkinson's disease or other movement disorders, or (3) establish the medical status of any identified Parkinson's disease or other movement disorder patient. The Director is permitted to impose a fine, not to exceed \$750 per incident, against anyone who fails to comply with these requirements. The fine is to be imposed in accordance with the Administrative Procedure Act (R.C. Chapter 119.). The

¹ R.C. 3701.90(A)(2) and (3), (B), and (C)(1).

² R.C. 3701.90(C)(2).



Director must adopt rules establishing a graduated system of fines based on the scope and severity of violations and the history of compliance.³

A person required to report information under the bill may elect to submit it to the Department through another registry that includes Parkinson's disease or other movement disorder information if the other registry meets the reporting standards established by the Director and collects the same Parkinson's disease or other movement disorder information as the Ohio Parkinson's Disease and Movement Disorder Registry.⁴

In the absence of willful or wanton misconduct, a person who furnishes information to the Department under the bill with respect to any patient the person examined or treated is not liable in damages to any person for furnishing the information and is not subject to professional disciplinary action for betrayal of a professional confidence for furnishing the information. The information cannot be introduced into evidence in any civil action against the person. A person who furnishes information to the Department under the bill is not liable for the misuse or improper release of the information by the Department or by any person.⁵

Recording and use of information reported to the registry

The Department is required to record in the Ohio Parkinson's Disease and Movement Disorder Registry all reports of Parkinson's disease and other movement disorders the Department receives. In the development and administration of the registry, the Department may use information compiled by public or private Parkinson's disease or other movement disorder registries and contract for the collection and analysis of, and research related to, the information recorded under the bill.⁶

Information reported under the bill that is protected health information is to be released only in accordance with state law governing protected health information. Protected health information is information, in any form, that describes an individual's past, present, or future physical or mental health status or condition, receipt of treatment or care, or purchase of health products, if the information (1) reveals the identity of the individual who is the subject of the information or (2) could be used to reveal the identity of the individual who is the subject of the information either by using

³ R.C. 3701.571(A) and 3701.90(E)(1).

⁴ R.C. 3701.90(E)(2).

⁵ R.C. 3701.90(E)(3).

⁶ R.C. 3701.90(D).



the information alone or with other information that is available to predictable recipients of the information. Information that does not identify an individual may be released in summary, statistical, or aggregate form.⁷

Designated agent

The bill authorizes the Department to designate a state university as its agent to implement some or all of the bill and the rules the Director of Health adopts under the bill. Any such designation is to be made by contract.⁸

Ohio Parkinson's Disease and Movement Disorder Advisory Council

The bill creates the Ohio Parkinson's Disease and Movement Disorder Advisory Council. The Council is to advise the Department of Health about implementing the bill's provisions, including the Director of Health's adoption of rules. The Council is to meet at least twice per year.⁹

The Council is to consist of the following five members appointed by the Governor with the advice and consent of the Senate:

- (1) A member of the State Board of Pharmacy;
- (2) An epidemiologist certified by the Certification Board of Infection Control and Epidemiology, Inc.;
- (3) A physician whose practice actively involves the treatment of Parkinson's disease or other movement disorders;
- (4) An individual diagnosed with Parkinson's disease or another movement disorder;
- (5) An individual with a family member who has been diagnosed with Parkinson's disease or another movement disorder.

Vacancies on the council are to be filled in the same manner as the initial appointments. Members are to serve without compensation.

⁷ R.C. 3701.17 (not in the bill) and 3701.90(G).

⁸ R.C. 3701.90(F).

⁹ R.C. 3701.90(C) and 3701.901.



HISTORY

ACTION

DATE

Introduced

03-24-16

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