



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Brian Malachowsky

H.B. 370

131st General Assembly
(As Introduced)

Reps. Clyde and Fedor, G. Johnson, K. Smith, Slesnick, Howse, Lepore-Hagan, Leland, Bishoff, Celebrezze

BILL SUMMARY

- Eliminates the written transfer agreement and variance requirements imposed on ambulatory surgical facilities.

CONTENT AND OPERATION

ASF transfer agreements and variances

The bill eliminates the requirement for an ambulatory surgical facility (ASF) to have a written transfer agreement (or variance from that requirement) with a local hospital. Other laws regulating ASFs would continue, such as the law governing their licensure by the Director of Health.¹ Generally speaking, an ASF is a facility in which outpatient surgery, such as abortion, for example, is routinely performed.

Presently, an ASF must have a written agreement with a local hospital providing for the transfer of a patient to the hospital when the patient needs medical care beyond the care that the ASF could provide. A transfer agreement is not required if (1) the ASF is a provider-based entity of a hospital and has procedures approved by the hospital regarding care situations beyond what the ASF can provide or (2) the ASF has a variance from the transfer agreement requirement.² The variance has several requirements, including a letter, contract or agreement with at least one consulting physician with admitting privileges at a local hospital memorializing that the physician will provide backup coverage when medical care beyond what the ASF can provide is

¹ R.C. 3702.30.

² R.C. 3702.303.

necessary.³ Current law also prohibits a hospital that is owned, leased, or controlled by the state or any agency, institution, instrumentality, or political subdivision of the state from either (1) entering into a written transfer agreement with an ASF in which nontherapeutic abortions are performed or induced, or (2) authorizing a physician with staff membership or professional privileges at the hospital to use that membership or those privileges for the variance application for an ASF that performs or induces nontherapeutic abortions.⁴ All of the transfer agreement, variance, and backup care provisions are eliminated by the bill.

HISTORY

ACTION	DATE
Introduced	10-19-15

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³ R.C. 3702.304.

⁴ R.C. 3727.60.

