



OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

Substitute Bill Comparative Synopsis

Sub. H.B. 236

135th General Assembly

House Health Provider Services

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

| Previous Version (As Pending in Committee, I_135_1195-10) | Latest Version (I_135_2570-1) |
|--|---|
| Advocate ineligibility | |
| Specifies that an individual is ineligible to act as a patient's or resident's advocate under either of the following circumstances: <ul style="list-style-type: none">There has been an adjudicated finding that the individual abused the patient or resident;The care setting has determined that the individual poses a serious risk to the patient's or resident's physical health (R.C. 3792.05(B)(3)). | Maintains those provisions while establishing an additional ground of ineligibility – that the patient's or resident's guardian (1) has excluded the individual from visiting or communicating with the patient or resident and (2) has submitted the individual's name to the relevant probate court (R.C. 3792.05(B)(3)). |

| Previous Version (As Pending in Committee, I_135_1195-10) | Latest Version (I_135_2570-1) |
|---|---|
| Access to an advocate | |
| <p>Generally prohibits a congregate care setting – at all times – from (1) denying a patient or resident access to an advocate and (2) prohibiting the advocate from being physically present with the patient or resident at the care setting (<i>R.C. 3792.05(D)(2)(a)</i>).</p> <p>Establishes the following exceptions to the “at all times” prohibition:</p> <ul style="list-style-type: none"> ▪ The patient or resident requests that the advocate not be present; ▪ The advocate has engaged in criminal conduct or physically interfered with, delayed, or obstructed the provision of health care; ▪ The patient or resident is participating in a group therapy session; ▪ The care setting has separated the advocate from the patient or resident for the purpose of identifying possible abuse or neglect (<i>R.C. 3792.05(D)(2)(c)</i>). | <p>Instead limits the “at all times” prohibition to periods when local or state public health orders are in effect or during any public health emergency. Also requires the care setting – at all times other than during a public health emergency or when a health order is in effect – to make every reasonable effort to allow the advocate to be physically present with the patient or resident at the care setting (<i>R.C. 3792.05(D)(2)(a)</i>).</p> <p>Maintains the bill’s exceptions and extends them to include when the care setting must make every reasonable effort to allow the advocate to be physically present (<i>R.C. 3792.05(D)(2)(b)</i>).</p> |
| Private right of action | |
| <p>Authorizes a patient, resident, and certain advocates to commence an action for money damages and injunctive relief against a congregate care setting for violating the bill’s provisions (<i>R.C. 3792.05(H)</i>).</p> | <p>Eliminates provisions authorizing an action for money damages, while maintaining those allowing the patient, resident, or advocate to seek injunctive relief (<i>R.C. 3792.05(H)</i>).</p> |