

# Ohio Association of Health Underwriters

## Legislative Update

April 15, 2014

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### Enacted Legislation

[HB 315](#) **HOSPITAL REPORTING** (Wachtmann) To require reports to the Department of Health regarding newborns diagnosed as opioid dependent, to update the chemical name for a type of controlled substance, and to specify procedures for granting variances or waivers of any requirement in the rules governing operation of maternity homes.  
Signed: April 10, 2014; Effective in 90 days

[HB 170](#) **DRUG OVERDOSES** (Johnson & Stinziano) (Effective 3/11/14) To provide for increased access to naloxone, ensures English proficiency in licensed practitioners of Oriental medicine and acupuncture, permits certain nurses seeking prescriptive authority to complete portion of their study through Internet-based study, and declares an emergency.

[HB 123](#) **TELEHEALTH SERVICES** (Gonzales & Wachtmann) (Effective 5/20/14) Regarding health care peer review committee proceedings and Medicaid coverage of telehealth services.

[SB 206](#) **MEDICAID REVISIONS** (Burke) (Effective 3/20/2014) To require implementation of certain Medicaid revisions, reform systems, and program oversight, and to make an appropriation. The bill establishes the Joint Medicaid Oversight Committee comprised of five House and five Senate members to oversee the Department of Medicaid's implementation of reforms in the Medicaid program. Policies and strategies are to encourage Medicaid recipients to become self-sufficient and to reduce the use of the Medicaid program.

[HB 83](#) **PSYCHOLOGY LAWS** (Hackett) (Effective 3/20/2014) To revise laws governing the practice of psychology.

[HB 126](#) **POWER OF ATTORNEY** (Kunze & Stinziano) (Effective 3/20/2014) To allow a person who creates a durable power of attorney for health care to authorize the attorney in fact to obtain health information about the person, to make an individual who is designated as an alternate attorney in fact ineligible to witness the instrument that creates a durable power of attorney for health care, to permit the principal to nominate a guardian in a durable power of attorney for health care, and to establish a presumption that a valid living will declaration revokes all prior declarations.

[SB 4](#) **NEWBORN SCREENING** (Manning & Oelslager) (Effective 9/27/2013) To require a pulse oximetry screening for each newborn born in a hospital or freestanding birthing center.

[SB 9](#) **(OPEN ENROLLMENT CHANGES)** (Bacon) (Effective 9/4/2013)  
S.B. 9 does the following:

- (1) Requires health insuring corporations to file any changes in a solicitation document with the Superintendent of Insurance 30 days prior to use for informational purposes. The Superintendent may disapprove any solicitation document or require that the document be amended if the Superintendent finds that the document fails to comply with the necessary requirements.
- (2) Suspends the operation of the following programs during the period beginning January 1, 2014, and expiring January 1, 2018: Ohio's Open Enrollment Program, Ohio's Health Reinsurance Program, and the option to convert certain health insurance contracts and policies.
- (3) Requires that if the applicable sections of the federal Patient Protection and Affordable Care Act of 2010, related to health insurance coverage, do not take effect January 1, 2014, or become ineffective prior to the expiration of the suspension on January 1, 2018, then the suspended sections in either their present form or as they are later amended, again become operational.

**HB 3 INSURANCE AGENTS & NAVIGATORS** (Sears) (Effective 7/30/2013)

To specify licensing and continuing education requirements for insurance agents involved in selling, soliciting, or negotiating sickness and accident insurance through a health benefit exchange; to specify training and certification requirements for navigators providing services in a health benefit exchange; and to make changes to copayments, cost sharing, and deductibles for health insuring corporations.

### **Recently introduced Legislation**

**HB 511 HEALTH INSURANCE** (Sears) (Introduced 4/1/2014) To suspend the operation of continuation of coverage requirements and make other insurance-related changes. The bill has received two hearings in the House Health & Aging Committee. HB 511 does the following:

- (1) Suspends the operation of Ohio's "mini COBRA" law;
- (2) Increases from 25-30 hours the threshold to be considered a full-time employee for purpose of eligibility for employer health insurance in Ohio's small group market; and
- (3) Decreases the dependent age for health insurance coverage from age 28 to age 26.

**On April 9, 2014, OAHU Immediate Past President, Kevin Conrad gave proponent testimony in the House Health & Aging Committee.** The Ohio Restaurant Association also testified in support of the legislation and the National Federation of Independent Business-Ohio submitted written testimony in support of the bill. The sole opponent testimony was from the Legal Aid Society of Southwest Ohio testified. House Health Committee Chair, Lynn Wachtmann, stated that HB 511 would likely be on the committee schedule on May 7, 2014 with a possible vote.

## Active Pending Legislation

[HB 227](#) **HEALTH CARE COMPACT** (Retherford & Boose) (Introduced 6/27/2013) To enter into the Health Care Compact. The bill passed out of the House State & Local Government committee on April 1, 2014.

[SB 278](#) **INFANT DEATH** (Jones & Tavares) (Introduced 02/12/2014) To require the completion of a sudden unexplained infant death investigation reporting form (SUIDI reporting form) developed by the United States Centers for Disease Control and Prevention, or an alternative reporting form developed by the Director of Health, whenever a child one year of age or younger dies suddenly when in apparent good health and to require that the appropriate child fatality review board receive a copy of each completed form. The bill passed the Ohio Senate on April 2, 2014 and has been referred to the House Health & Aging Committee.

[SB 230](#) **CANCER DRUGS** (Manning & Oelslager) (Introduced 11/07/2013) To establish standards for the delivery of non-self injectable cancer drugs. The bill passed out of the Senate on January 22, 2014 and has received three hearings in the House Health & Aging Committee.

[SB 99](#) **MEDICATIONS** (Oelslager & Tavares) (Introduced 4/9/2013) Regarding insurance coverage for orally administered cancer medications. The bill passed the Senate on March 12, 2014 and has received three hearings in the House Health & Aging Committee.

[SB 140](#) **INSURANCE HOLDING COMPANIES** (Bacon) (Introduced 6/4/2013) To make changes to the law governing insurance holding company systems, to eliminate the petition requirement for domestic mutual companies that wish to merge or consolidate with another company, to eliminate the commission created to hear and determine petitions for merger and consolidation, to provide the requirements for maintaining a risk management framework and completing an own risk and solvency assessment, and to provide guidance and instructions for filing an own risk and solvency assessment summary report with the superintendent of insurance. The bill received its fifth hearing in the Senate Insurance & Financial Institutions Committee on October 23, 2013 where a substitute bill was brought before the committee.

[HB 313](#) **INSURANCE LAWS** (Kunze & Hackett) (Introduced 10/24/2013) This bill is identical to S.B. 140. The bill received its fourth hearing in the House Insurance Committee on April 8, 2014.

[HB 361](#) **BRAIN INJURY COVERAGE** (Gonzales & Smith) (Introduced 11/26/2013) To prohibit health insurers from excluding coverage related to acquired brain injuries. The bill received its second hearing in the House Health & Aging Committee on February 19, 2014.

[HB 264](#) **DIABETES** (Wachtmann & Barnes) (Introduced 9/12/2013) Regarding care for students with diabetes in schools. The bill passed out of the House on February 26, 2014 and has been referred to the Senate Medicaid, Health & Human Services Committee.

[HB 320](#) **HEALTH CARE SERVICES** (Young) (Introduced 10/29/2013) To create a state income tax deduction regarding certain health care services provided at a free clinic; to extend

qualified immunity from civil liability for certain volunteer health care services provided to individuals eligible for or receiving Medicaid; to authorize a person practicing under a volunteer's certificate to provide health care services to any person; to create a volunteer's certificate for retired nurses; and to designate December as "Free Clinic Appreciation Month." The bill passed the House on February 12, 2014 and has been referred to the Senate Finance Committee.

[SB 258](#) **PHARMACY AUDITS** (Balderson) (Introduced 12/16/2013) To establish standards for the performance of pharmacy audits. The bill passed the Senate on March 25, 2014 and has been referred to the House Health & Aging Committee.

[HB 394](#) **IMMUNIZATIONS** (Smith & Antonio) (Introduced 12/23/2013) Regarding the authority of pharmacists and pharmacy interns to administer immunizations. The bill passed the House on April 2, 2014 and has been referred to the Senate Medicaid, Health & Human Services Committee.

[HB 384](#) **PHARMACIST IMMUNIZATIONS** (Antonio & Smith) (Introduced 12/10/2013) To decrease the minimum age of the patients for whom a pharmacist may administer certain immunizations. The bill is pending in the House Health & Aging Committee.

[SB 240](#) **PHARMACIST CONSULT PACTS** (Burke) (Introduced 11/18/13) To revise the laws governing pharmacist consult agreements and to authorize a pharmacist to prescribe and administer drugs under a consult agreement. The bill is pending in the Senate Medicaid, Health & Human Services Committee.

[HB 117](#) **CAPTIVE INSURANCE COMPANIES** (Hackett) (Introduced 04/08/2013) To provide for the operation of captive insurance companies in Ohio. The bill passed the House on June 4, 2013 and has received three hearings in the Senate Insurance & Financial Institutions Committee.

### **Opiate related Legislation**

[HB 314](#) **MINOR PRESCRIPTIONS** (Baker & Kunze) (Introduced 10/24/2013) To require a prescriber to obtain written informed consent from a minor's parent, guardian, or other person responsible for the minor before issuing a controlled substance prescription to the minor and to establish sanctions for a prescriber's failure to comply with this requirement. The bill's provisions were incorporated into HB 485 (Human Services Mid-Biennium Review) which passed the House on April 9, 2014.

[HB 341](#) **CONTROLLED SUBSTANCES** (Smith) (Introduced 11/7/2013) To prohibit a controlled substance that is a schedule II drug or contains opioids from being prescribed or dispensed without review of patient information in the State Board of Pharmacy's Ohio Automated Rx Reporting System. The bill's provisions were incorporated into HB 485 (Human Services Mid-Biennium Review) which passed the House on April 9, 2014.

[HB 366](#) **CONTROLLED SUBSTANCES** (Sprague) (Introduced 12/2/2013) To require hospice care programs to establish procedures to prevent diversion of controlled substances that contain

opioids. The bill's provisions were incorporated into HB 485 (Human Services Mid-Biennium Review) which passed the House on April 9, 2014.

[HB 369](#) **MEDICAID COVERAGE** (Sprague) (Introduced 12/3/2013) Relating to the administration, funding, and provision of mental health and addiction services The bill passed the House on April 9, 2014.

[HB 92](#) **SYRINGE EXCHANGE** (Antonio & Sears) (Introduced 3/5/2013) To authorize the establishment of syringe exchange programs. The bill passed the House on October 2, 2013 and is scheduled to receive its third hearing in the Senate Medicaid, Health & Human Services Committee on March 26, 2014.

[HB 332](#) **PAIN MEDICATION** (Wachtmann & Antonio) (Introduced 11/05/2013) To establish standards and procedures for opioid treatment of chronic, intractable pain resulting from non cancer conditions and to require that professional disciplinary action be taken for failing to comply with those standards and procedures. The bill received its ninth hearing in the House Health & Aging Committee's Opiate Addiction Treatment & Reform Subcommittee on March 18, 2014.

[HB 359](#) **PRESCRIPTION DRUGS** (Sprague) (Introduced 11/21/2013) To require disclosure of the addictive nature of certain prescription drugs. The bill received its sixth hearing in the House Health & Aging Committee's Opiate Addiction Treatment & Reform Subcommittee on March 18, 2014.

[HB 378](#) **OPIOID ADDICTION TREATMENTS** (Smith & Sprague) (Introduced 12/5/2013) To prohibit a physician from prescribing or personally furnishing certain drugs to treat opioid dependence or addiction unless the patient is receiving appropriate behavioral counseling or treatment. The bill received its sixth hearing in the House Health & Aging Committee's Opiate Addiction Treatment & Reform Subcommittee on March 18, 2014.

[HB 381](#) **CONTROLLED SUBSTANCES** (Sears) (Introduced 12/11/2013) To require a retail terminal distributor of dangerous drugs to verify identification when dispensing a controlled substance or tramadol. The bill is pending in the House Health & Aging Committee.

[HB 363](#) **GOOD SAMARITAN** (Sprague, Driehaus) (Introduced 11/26/2013) To provide an immunity from arrest, prosecution, conviction, or supervised release sanctioning for a minor drug possession offense for a person who seeks or obtains medical assistance for self or another person who is experiencing a medical emergency as a result of ingesting drugs or alcohol or for a person who is experiencing such a medical emergency and for whom medical assistance is sought. The bill has been referred to the House Judiciary Committee.

[HB 367](#) **DRUG ABUSE PREVENTION** (Driehaus & Sprague) (Introduced 12/2/2103) To require the health curriculum of each school district to include instruction in prescription opioid abuse prevention. The bill has received two hearings in the House Education Committee.

## Other Pending Legislation

[HB 348](#) **COLLEGE HEALTH PLANS** (Henne & C. Hagan) (Introduced 11/14/2013) To prohibit state institutions of higher education from requiring students to be covered by a health insurance policy as a condition of enrollment or from automatically enrolling students in such policies or plans. The bill has received two hearings in the House Education Committee.

[HB 159](#) **DENTAL SERVICES** (Hackett & Schuring) (Introduced 05/07/2013) To prohibit a health insurer from establishing a fee schedule for dental providers for services that are not covered by any contract or participating provider agreement between the health insurer and the dental provider. The bill has received eight hearings in the House Insurance Committee.

[SB 276](#) **INFANT SLEEP** (Jones & Tavares) (Introduced 02/12/2014) To require the Department of Health to establish the Safe Sleep Education Program, hospitals and freestanding birthing centers to implement an infant safe sleep screening policy, and certain persons and entities to adopt an internal infant safe sleep policy. The bill has received sponsor testimony in the Senate Medicaid, Health & Human Services Committee.

[SB 277](#) **INFANT MORTALITY** (Jones & Tavares) (Introduced 02/12/2014) To create the Commission on Infant Mortality. The bill has received sponsor testimony in the Senate State Government & Oversight Reform Committee.

[SB 279](#) **PRENATAL CARE** (Jones & Tavares) (Introduced 02/12/2014) To require the Director of Health to establish and operate a prenatal group health care pilot program that is based on the centering pregnancy model of care and to make an appropriation. The bill has received two hearings in the Senate Finance Committee.

[SB 280](#) **INFANT MORTALITY** (Jones & Tavares) (Introduced 02/12/2014) To require that case management services for postpartum care be included in the Medicaid managed care system, to require the Director of Health to award grants for community-based services that are not covered by Medicaid and are intended to reduce infant mortality rates among at-risk populations, and to make an appropriation. The bill has received two hearing in the Senate Finance Committee.

[HB 433](#) **MEDICAID DENTAL SERVICES** (Barnes) (Introduced 02/12/2014) Regarding Medicaid coverage of dental services for the eligibility expansion group authorized by the Patient Protection and Affordable Care Act. The bill has been referred to the House Insurance Committee.

[SB 228](#) **CONTROLLING BOARD** (Widener) (Introduced 11/05/2013) To limit the Controlling Board's authority to approve the expenditure of certain funds and to require state agencies to provide certain information to the Controlling Board regarding requested purchases from out-of-state suppliers. The bill passed out of the Senate on November 20, 2013 and is pending in the House State & Local Government Committee.

[SB 54](#) **MAMMOGRAMS** (Kearney) (Introduced 02/25/2013) To require a physician interpreting a mammogram who determines that the patient has dense breast tissue to specify this

in the mammography report sent to the patient. The bill has been referred to the Senate Medicaid, Health & Human Services Committee.

[HB 398](#) **HEALTH CARE** (Sears) (Introduced 12/23/2013) To create the Veterans and Medicaid Eligibility Study Committee and the Health Care Access and Innovation Study Committee. The bill has been referred to the House Health & Aging Committee.

[HB 353](#) **VETERANS HEALTH CARE** (Wachtmann) (Introduced 11/19/2013) To create the Ohio Veterans Health Care System. The bill received sponsor testimony in the House Health & Aging Committee on December 3, 2013.

[SB 145](#) & [HB 208](#) **MEDICAID** (Burke) & (Amstutz & Sykes) (Both Introduced 6/13/2013) To require the Medicaid Director to implement certain reforms to the Medicaid program, to require the Director of Job and Family Services to implement certain reforms to workforce development activities, to create the Joint Medicaid Oversight Committee to review proposed rules regarding the Medicaid and workforce development activity reforms, to require the Joint Medicaid Oversight Committee to issue reports recommending certain changes to the Medicaid program, and to abolish the Joint Legislative Committee on Health Care Oversight and the Joint Legislative Committee on Medicaid Technology and Reform. S.B. 145 has received sponsor testimony in the Senate Finance Medicaid Subcommittee and H.B. 208 received its third hearing in the House Finance & Appropriations Committee on December 3, 2013.

[HB 351](#) **ABORTION** (Becker) (Introduced 11/13/2013) To prohibit insurers from offering coverage for abortion services. The bill has been referred to the House Insurance Committee.

[HB 316](#) **BEHAVIORAL HEALTH** (Wachtmann) (Introduced 10/24/2013) Regarding Medicaid-covered community behavioral health services. The bill has been referred to the House Health & Aging Committee and received sponsor testimony on November 6, 2013.

[HB 317](#) **MEDICAID** (Sears) (10/24/2013) Regarding reforms relating to Medicaid, fraud committed against the state, penalties for certain drug offenses committed against pregnant women, non-opiate medication for released inmates, prescription-related identification requirements, and education for individuals without a high school diploma. The bill is pending in the House Health & Aging Committee.

[SB 79](#) **VACCINATIONS** (Kearney) (Introduced 03/13/2013) To decrease the minimum age for which a pharmacist may administer certain vaccinations. The bill received its fourth hearing in the Senate Medicaid, Health & Human Services Committee on November 20, 2013.

[HB 258](#) **LICENSED SPECTACLE DISPENSING OPTICIANS** (Gonzales) (Introduced 9/4/2013) Authorizes a “licensed spectacle dispensing optician” to engage in both of the following:

- Dispensing of optical aides other than contact lenses
- Dispensing of contact lenses if the only action necessary is to match the description of the contact lenses that is on the packaging to a written prescription. The bill passed the Ohio House on November 6, 2013 and had its second hearing in the Senate Medicaid, Health & Human

Services Committee on November 20, 2013.

[HB 94](#) **HEALTH PLANS** (Gonzales) (Introduced 3/6/2013) To require a health insuring corporation, public employee benefit plan, or sickness and accident insurer to reimburse a board of health for any services provided to an individual by the board that is covered by a plan issued to the individual by the health insuring corporation, public employee benefit plan, or sickness and accident insurer upon request submitted by the board of health. The bill has received two hearings in the House Insurance Committee.

[SB 49](#) **PHYSICIAN DESIGNATIONS** (Patton) (Introduced 2/25/2013) To establish standards for physician designations by health care insurers. The bill has received two hearings in the Senate Insurance & Financial Institutions Committee.

[SB 117](#) **MEDICAID** (Smith) (Introduced 04/30/2013) To permit the Medicaid program to cover the eligibility expansion group authorized by the Patient Protection and Affordable Care Act and to make an appropriation. The bill has been referred to the Senate Finance Committee.

[SB 118](#) **TELEMEDICINE** (Tavares) (Introduced 04/30/2013) Regarding insurance and Medicaid coverage of telemedicine services. The bill has received sponsor testimony in the Senate Insurance Committee.

[HB 125](#) **MEDICAID EXPANSION** (Carney & Antonio) (Introduced 4/16/2013) To permit the Medicaid program to cover the eligibility expansion group authorized by the Patient Protection and Affordable Care Act and to make an appropriation. The bill has been referred to the House Finance & Appropriations Committee.

[SB 104](#) **HEALTH CARE** (Skindell) (Introduced 04/16/2013) To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents. The bill has been referred to the Senate Medicaid, Health & Human Services Committee.

[SB 100](#) **PROMPT PAYMENT** (Tavares) (Introduced 04/09/2013) To specify that the Ohio prompt payment law applies to payment of claims by Medicaid managed care organizations. The bill has been referred to the Senate Insurance & Financial Institutions Committee.

[HB 60](#) **MATERNITY UNITS** (Huffman) (Introduced 2/12/2013) To require that rules governing maternity units, newborn care nurseries, and maternity homes include certain provisions pertaining to the authority to make decisions regarding the transfer of patients to other facilities and to specify procedures for granting variances or waivers of any requirement in the rules governing operation of such facilities. The bill has received three hearings in the House Health & Aging Committee.

[SB 39](#) **HPV VACCINE** (Brown & Schiavoni) (Introduced 2/12/2013) To require insurance providers to cover human papillomavirus screenings and vaccines. The bill has received one hearing Senate Insurance & Financial Institutions Committee.