



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Wendy Zhan, Director

Office of Research
and Drafting

Legislative Budget
Office

Substitute Bill Comparative Synopsis

Sub. H.B. 324

134th General Assembly

House Behavioral Health and Recovery Supports

Erika Kramer, Attorney

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 Introduced) | Latest Version (I_134_1004-3) |
|--|---|
| In-person visitation | |
| Requires hospitals to permit in-person hospital visitation by a patient's family, caretakers, or clergy persons during a public health emergency related to the spread of contagious disease or at any time when a contagious disease is unusually prevalent to the same extent as before the declared emergency or disease increase (<i>R.C. 3727.30(A)</i>). | Provides that this requirement applies only in the absence of a public health order to the contrary (<i>R.C. 3727.30(A)</i>). |

| Previous Version (As Introduced) | Latest Version (I_134_1004-3) |
|--|--|
| No provision. | Additionally requires the visitation to be conducted so as not to endanger the health of hospital patients, staff, or other individuals in the hospital (<i>R.C. 3727.30(A)</i>). |
| Public health orders | |
| Prohibits a public health order issued by the Department of Health or a local board of health to control the spread of contagious disease from restricting or prohibiting in-person visitation of a hospital patient (<i>R.C. 3727.30(B)</i>). | Instead, prohibits those orders from preventing reasonable visitation by the patient’s immediate family members (including the patient’s parents, children, and siblings), attorneys in fact, or other individuals designated by the patient in the patient’s care plan, if the patient’s condition becomes terminal (<i>R.C. 3727.30(B)</i>). |
| Designating visitors | |
| Permits the patient or an individual authorized to make decisions on the patient’s behalf to designate the family members, caretakers, and clergy authorized to visit the patient (<i>R.C. 3727.30(E)</i>). | Similar, but provides that the designated visitors can be immediate family members, attorneys in fact, personal representatives, caretakers, clergy, and other individuals providing care and companionship to the patient (<i>R.C. 3727.30(D)</i>). |
| Precautionary measures | |
| <p>Permits hospitals to take certain precautionary measures relating to the in-person visits, including:</p> <ul style="list-style-type: none"> ▪ Prohibiting hospital entry to a visitor if there is specific evidence that the visitor has the disease and poses a risk to individuals working in the hospital and other patients (<i>R.C. 3727.30(C)(2)</i>); ▪ Requiring a visitor to sign a waiver releasing the hospital from liability if the visitor contracts the disease while visiting a patient (<i>R.C. 3727.30(C)(7)</i>); | <ul style="list-style-type: none"> ▪ Instead, this provision applies if the visitor displays or discloses symptoms of the disease and poses such a risk (<i>R.C. 3727.30(C)(2)</i>); ▪ No provision; |

| Previous Version (As Introduced) | Latest Version (I_134_1004-3) |
|--|---|
| <ul style="list-style-type: none"> ▪ Requiring visitors to take safety precautions such as wearing personal protective equipment, performing frequent hand hygiene, and maintain physical distancing. If the visitors and hospital staff identify a way to have personal contact between patients and visitors safely during visits, a hospital cannot restrict the physical contact <i>(R.C. 3727.30(C)(4))</i>. | <ul style="list-style-type: none"> ▪ Does not include the provisions about personal contact <i>(R.C. 3727.30(C)(4))</i>. |
| Waiver request | |
| No provision. | Permits a hospital to seek a waiver from the Director of Health from the safety precautions requirement in the third bullet point above in the event of a shortage of personal protective equipment or if the hospital otherwise does not have adequate supplies of personal protective equipment <i>(R.C. 3727.30(C)(4))</i> . |
| No provision. | Requires the Director of Health to approve or deny a waiver submitted by a hospital requesting an exemption <i>(R.C. 3701.042)</i> . |
| No provision. | Permits the Director to adopt rules as necessary to carry out the above requirement <i>(R.C. 3701.042)</i> . |
| Imminent death | |
| <p>In the case of a patient who displays a substantial change of condition indicating that death is imminent, requires a hospital to:</p> <ul style="list-style-type: none"> ▪ Permit the patient the same number of visitors as before the health order or increased prevalence of the disease; ▪ Permit visitors to be in close physical proximity to the patient; and | No provision. |

| Previous Version (As Introduced) | Latest Version (I_134_1004-3) |
|--|----------------------------------|
| <ul style="list-style-type: none">Make every reasonable effort to permit in-person visitation if the patient or the visitor has the disease, including by providing an isolation room or other environment that is safe for the patient, visitors, and other individuals in the hospital (<i>R.C. 3727.30(D)</i>). | |
| Civil action | |
| Prohibits a hospital from violating the bill's provisions and permits a person to bring a civil action seeking damages resulting from an alleged violation by a hospital (<i>R.C. 3727.30(H)</i>). | No provision. |