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Office

H.B. 356
(1_135_1095-2)
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 356's Bill Analysis](#)

Version: In House Public Health Policy

Primary Sponsor: Rep. Carruthers

Local Impact Statement Procedure Required: No

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Highlights

- The Ohio Department of Health (ODH) will experience costs to establish a professional development module, as well as information technology (IT) costs to facilitate the database storage of module completion by specified health care providers. Module development costs will depend on ODH's method of implementation. IT costs will depend on data volume, retention duration, and security needs.
- ODH and the Department of Education and Workforce (DEW) may experience minimal administrative costs to develop and update the sudden cardiac arrest pamphlet. DEW may incur printing and mailing costs, potentially in the thousands of dollars, to distribute the pamphlet to school districts throughout the state.
- The State Medical Board and the Ohio Board of Nursing may realize eLicensing costs to include the module completion check box on renewal applications for certain professionals, as well as costs to take any necessary disciplinary action for violations of the bill. However, some disciplinary costs could be offset by any fine revenue collected.
- Any Medicaid providers who violate the bill's requirements will be prohibited from seeking payment from the Medicaid Program for any related examinations.
- School districts may incur minimal, if any, costs to accept the filing of preparticipation physical evaluation forms in addition to any other documentation they already collect from student athletes.
- Any public entities (e.g., local health departments or government-owned hospitals) that employ health care providers that perform youth or student athlete physical examinations could realize minimal costs to comply with the bill's requirements.

Detailed Analysis

Student and youth athletes

The bill expands Ohio's "Lindsay's Law" which relates to sudden cardiac arrest in student and youth athletes by prohibiting a student or youth athlete from participating in an athletic activity unless the athlete has a physical examination performed by a physician, advanced practice registered nurse (APRN), or physician assistant. Under the bill, the provider of the examination must fill out a preparticipation physical evaluation form for submission to the student's school or youth sports organization. In the case of students in schools, the form used can be either the form created by an interscholastic conference or an organization that regulates interscholastic conferences or events or the form the bill requires the Ohio Department of Health (ODH) to create. In the case of youth athletes, the form used must be the form created by ODH. The bill requires preparticipation physical examinations to be conducted once each calendar year that the student or youth participates in one or more athletic activities during that calendar year.

ODH will realize minimal costs to create the required form. This requirement will likely result in minimal, if any, additional costs to school districts and other public schools. Currently, the Ohio High School Athletic Association (OHSAA) requires athletic participation forms for students in grades 7-12 to be signed by a physician, APRN, or physician assistant, and filed with the school principal or designee before any student can participate in a practice.¹ Under the bill, students and their families will be responsible for having their medical providers fill out the form and schools will be required to maintain records of all submitted forms at least for the duration of the student's enrollment in the school.

If any local boards of health or government-owned hospitals employ health care providers that perform physical examinations for student or youth athletes, there could be minimal administrative costs to comply with the bill's preparticipation physical evaluation form requirements. There may also be an increase in the number of physical examinations conducted or cardiology referrals made, including such services that are covered under state and local health plans. However, as mentioned above, it is likely that most student athletes already receive such physical examinations.

The bill eliminates the authorization in the school and youth sports laws for certified nurse midwives to conduct clearance examinations and adds authority for physician assistants to conduct them. As a result, the State Medical Board and the Ohio Board of Nursing could realize minimal costs to promulgate rules.

The bill also makes the preseason informational meeting regarding the symptoms and warning signs of sudden cardiac arrest that is held at the start of each athletic season mandatory for schools and youth sports organizations instead of permissive. Any public schools that do not currently hold these meetings could realize minimal costs to do so.

¹ Ohio High School Athletic Association bylaw 3-5-1, which may be accessed under the "Other Eligibility Documents" heading at ohsaa.org/eligibility.

Educational pamphlet

The bill requires ODH and the Ohio Department of Education and Workforce (DEW), in consultation with the American Academy of Pediatrics and the American Heart Association, to develop a pamphlet that provides information about sudden cardiac arrest in children and adults. The bill specifies the pamphlet's required contents and requires the pamphlet to be developed within one year of the bill's effective date, and updated as ODH and DEW determine appropriate. As a result, ODH and DEW may experience minimal costs to develop and update the required sudden cardiac arrest pamphlet. DEW is required to distribute the pamphlet free of charge to all school districts in Ohio, and to any other school on request. However, the bill does not specify whether DEW must distribute printed copies to school districts, or if it may distribute the pamphlet electronically. If DEW distributes printed copies to each of the 611 traditional school districts in the state, it may incur printing and mailing costs potentially in the thousands of dollars, depending on the quantity of pamphlets produced. Currently, State Printing and Mail Services within the Department of Administrative Services (DAS) charges 9¢ per black and white impression and 21¢ per color impression, with additional charges for folding of \$10 per 1,000 units and further fees for packaging and mailing. Electronic distribution may cost DEW less, but districts may incur printing costs if they choose to do so, or may also distribute the pamphlets electronically.

Screening module

The bill also requires ODH, in consultation with DEW, to establish a childhood cardiac screening professional development module to increase the assessment skills of health care professionals who perform annual physical examinations. The module may be developed by ODH in accordance with various requirements specified in the bill, or ODH may adopt the Student-Athlete Cardiac Assessment Professional Development Module created by the New Jersey Commissioners of Education and Health. ODH will experience costs to establish the professional development module in consultation with DEW. DEW may also incur a minimal increase in administrative costs. Costs for the module's establishment will depend on ODH's method of implementation. It appears that New Jersey's module is available for free on its Department of Education website. Health care providers put in their name and national provider identification to receive a certificate of completion.²

The bill requires the module to be posted on the ODH and DEW websites. ODH must also facilitate the database storage of completion of the module by health care professionals, and may coordinate with the health care professional licensing boards in doing so and must keep the records for ten years. As a result, ODH will likely experience IT costs to facilitate the database storage of the module completion by health care professionals. Costs will likely depend on a number of factors including the volume of data, retention duration, and security needs.

Lastly, the bill requires the State Medical Board and the Ohio Board of Nursing to include a check box on renewal applications for advance practice registered nurse (APRNs), physician assistants, and physicians to certify completion of the module and reading of the required

² See New Jersey's [Student Athlete Cardiac Assessment Professional Development Module](#), which can be accessed by conducting a keyword "Student Athlete Cardiac Module" search on the New Jersey of Education's website: nj.gov/education.

pamphlet. The State Medical Board and the Ohio Board of Nursing may realize an increase in eLicensing costs to include the completion check box on the renewal applications. These costs will likely depend on current available storage and eLicensing capability and the number of health care professionals who complete the module.

ODH annual report

Under the bill, ODH must complete an annual report on outcomes related to the health care professional reports that the bill requires, as discussed below. The report must be posted on ODH's website and a copy provided to the public on request. ODH will experience minimal costs to complete the required annual report.

Health care professional obligations

Beginning one year after the bill's effective date, each APRN, physician assistant, and physician who performs annual physical examinations on individuals who are 19 or younger or who performs preparticipation examinations for student athletes, must do all of the following: (1) complete the evaluation form for each examination, (2) at least once every four years, complete the professional development module adopted by ODH, and retain a hard copy of the certificate of completion, (3) at least once every four years, read the pamphlet developed by ODH and DEW, and (4) annually report to ODH the total number of preparticipation physical examination forms completed, and the total number of cardiology referrals resulting from those examinations. The State Medical Board and the Ohio Board of Nursing, which regulate these professionals, may experience an increase in costs related to any disciplinary action taken for violations of the bill. However, costs could be offset by the bill's fines for failure to complete the module, which are discussed below. Any fines would be deposited in the State Medical Board Operating Fund (Fund 5C60) or the Occupational Licensing and Regulatory Fund (Fund 4K90), respectively.

Failure to comply

A health care provider that fails, on request of the provider's licensing board, to produce a copy of the certificate of completion of the professional development module may be fined \$5,000, plus an additional \$1,000 for each individual the provider is found to have examined without having completed the module. The bill also specifies that a health care provider who knowingly falsely certifies completion of the module or reading the pamphlet is guilty of a first degree misdemeanor and subject to professional discipline by the provider's licensing board. As a result, it is possible that local courts could see minimal costs for any cases brought in which a provider fails to comply with the bill's provisions. These costs will depend on the number of violations.

Finally, an APRN, physician assistant, or physician who fails to complete the module or read the Pamphlet, and who is a Medicaid provider, is prohibited from seeking payment from the Medicaid Program for any examination to which the failure applies. The provider is also prohibited from collecting or billing the Medicaid recipient for such an examination. As APRNs, physician assistants, or physicians who are Medicaid providers and fail to comply with the bill's provisions are prohibited from seeking payment from the Medicaid Program for any examination to which the failure applies, there is a possibility for some slight cost decreases for the state's Medicaid Program. The amount of any decrease would depend on the number of violations, and the number of examinations the Medicaid Program therefore denied reimbursement for.

Synopsis of Fiscal Effect Changes

- The substitute bill (I_135_1095-2) may reduce the As Introduced (previous) bill's administrative costs to public schools by:
 - Limiting the frequency of the required preparticipation physical examination to once each calendar year that the student or youth athlete participates in one or more athletic activities, rather than the previous bill's requirement of within six weeks of the first day of official practice or within six weeks that the student or youth participates in the athletic activity;
 - Allowing the preparticipation physical examination forms used for students in schools to be either the form created by an interscholastic conference or an organization that regulates interscholastic conferences or events or the form the bill requires the Ohio Department of Health (ODH) to create, instead of the previous bill's requirement to use the form created by ODH (which would have been in addition to the Ohio High School Athletic Association (OHSAA) form that currently must be filed with a student's school); and
 - Limiting the length of time that a preparticipation form must be retained to the duration of the student's enrollment in the school. The previous version of the bill required schools to retain the preparticipation forms indefinitely.
- The substitute bill adds the provision that makes the preseason informational meeting held at the start of each athletic season mandatory for schools and youth sports organizations and its associated fiscal effects.