

Ohio Association of Health Underwriters

Legislative Update

July 14, 2014

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Enacted Legislation

Bills signed on 6/17/14 by Governor Kasich (Secretary of State to announce effective date)

[SB 99](#) **CANCER MEDICATIONS** (Oelslager & Tavares) Regarding insurance coverage for orally administered cancer medications.

[SB 230](#) **CANCER DRUGS** (Manning) To establish standards for the delivery of non-self injectable cancer drugs.

[HB 314](#) **MINOR PRESCRIPTIONS** (Baker & Kunze) Regarding informed consent requirements for opioid prescriptions issued to minors, disclosure of medical and other information to child fatality review boards and fetal and infant mortality review teams, and the location of methadone treatment facilities.

[HB 341](#) **CONTROLLED SUBSTANCES** (Smith) To establish requirements to be followed by prescribers in reviewing patient information in the State Board of Pharmacy's Ohio Automated Rx Reporting System (OARRS).

[HB 366](#) **CONTROLLED SUBSTANCES** (Sprague) To require hospice care programs to establish procedures to prevent diversion of controlled substances that contain opioids.

[HB 487](#) **MBR EDUCATION** (Brenner) The bill includes a provision that creates the School Based Health Care Advisory Workgroup which is comprised of state government officials, including administration department heads and legislators. In addition, there are 22 organizations that are on the Advisory Committee Workgroup.

The Workgroup is charged with the following duties:

- Reviewing evidence of the correlation between student health and academic achievement;
- Identifying existing best practices to improve academic achievement through better student health;
- Based on existing best practices, recommending one or more models for communities that want to improve academic achievement through better student health;
- Recommending financial strategies to sustain the models over time, with an emphasis on health coverage through commercial insurance and Medicaid, not other governmental subsidies;
- Recommending health care service delivery strategies that are known to improve health outcomes, such as patient-centered medical homes;

- Exploring the community learning center model delivery of student health care services;
- Ensuring that all recommendations adhere to state and federal law.

[HB 264](#) **DIABETES** (Wachtmann & Barnes) Regarding care for students with diabetes in schools.

Other bills signed into law

[HB 483](#) **MBR APPROPRIATIONS** (Amstutz) (Effective 06/16/2014) To make operating and other appropriations and to provide authorization and conditions for the operation of state programs. The bill includes several provisions relating to mental health and addiction services. It appropriates \$47.5 million in SFY 2015 to support the following:

- \$6.5 million to help prevent substance abuse statewide, including the Start Talking! program.
- Doubles the state's budget for licensed community-based housing through the Residential State Supplement program to create more safe places where people in crisis can achieve housing stability in a community setting (\$7.5 million).
- Expands access to recovery housing, which is a necessary support for many people who are early in their sobriety and need to be in an environment that supports healing (\$5 million).
- Defrays payroll costs so local courts can hire additional staff to support a specialty docket to ensure offenders comply with treatment (\$4.4 million).
- Address gaps in care identified in consultation with boards of mental health and addiction services, with an emphasis on crisis services and housing-related challenges (\$24.1 million).

H.B. 483 also includes provisions from H.B. 369 that establish a full array of services for opioid and co-occurring drug addiction, requires local boards to support a full continuum of care across mental health and addiction services, and defines recovery housing as a service and earmarks \$5 million in Ohio Department of Mental Health & Addiction Services community capital funds to develop greater access.

The bill also creates the Ohio Healthier Buckeye Grant Program to be administered by ODJFS. The grants are to be provided to county Healthier Buckeye Councils. Priority is to be given to county councils or county departments of Job and Family Services with existing projects or initiatives that meet certain criteria.

[SB 140](#) **INSURANCE HOLDING COMPANIES** (Bacon) (Effective 09/4/2014) To enact the Insurance Regulatory Modernization Act to revise the insurance laws regarding alternative investments, holding company systems, risk management, reserves kept for life insurance policies, automated transactions, reinsurance, and mergers and consolidations.

[HB 315](#) **HOSPITAL REPORTING** (Wachtmann) (Effective 7/10/2014) 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.

[HB 232](#) **PROFESSIONAL COUNSELORS** (Sears & Milkovich) (Effective 7/10/2014) To modify the laws governing professional counselors, social workers, and marriage and family therapists.

[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 5/20/2014) 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 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.

Active Pending Legislation

HB 511 HEALTH INSURANCE (Sears) (Introduced 4/1/2014) To clarify the status of volunteer firefighters for purposes of PPACA, and to make the following changes to Ohio law:

1. Increases from 25-30 hours the threshold to be considered a full-time employee to be eligible for employer health insurance in Ohio's small group market.
2. Decreases the dependent age for health insurance coverage from age 28 to age 26.
3. Extends the maximum length of a short-term health insurance policy from "no longer than 6 months" to "less than 12 months".

The bill passed the House on May 28, 2014 and has been referred to the Senate Insurance & Financial Institutions Committee.

SB 258 PHARMACY AUDITS (Balderson) (Introduced 12/16/2013) To establish standards for the performance of pharmacy audits in Ohio and to authorize the continued use of certain analgesic controlled substances in the practice of optometry. The bill passed the Senate on March 25, 2014 and passed out of the House Health & Aging Committee on June 4, 2014.

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.

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 passed the Senate on May 28, 2014 and has been referred to the House Health & Aging Committee.

[HB 485](#) **MBR HUMAN SERVICES** (Smith & Johnson) (Introduced 3/18/2014) The bill passed the House on April 9, 2014 and is pending in the Senate Medicaid, Health & Human Services Committee. Numerous provisions contained in H.B. 483 relating to opioids have been included in H.B. 483 as enacted into law.

[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.

[HB 320](#) **HEALTH CARE SERVICES** (Young) (Introduced 10/29/2013) To require the Department of Health to maintain information on its web site regarding free clinics, to designate December as "Free Clinic Appreciation Month," to modify the state's loan repayment programs for physicians and dentists who participate by providing care at free clinics, to create a volunteer's certificate for retired nurses, and to extend for a specified period qualified immunity from civil liability for certain volunteer health care services provided to individuals eligible for or receiving Medicaid. The bill passed the House on February 12, 2014 and has been referred to the Senate Finance Committee.

Infant Mortality related Legislation

[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 is pending 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 is pending 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 hearings in the Senate Finance Committee.

Opiate related Legislation

[**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 and is pending in the Senate Finance Committee.

[**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 pending in the Senate Medicaid, Health & Human Services Committee.

[**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 has received nine hearings in the House Health & Aging Committee's Opiate Addiction Treatment & Reform Subcommittee.

[**HB 359 PRESCRIPTION DRUGS**](#) (Sprague) (Introduced 11/21/2013) To require disclosure of the addictive nature of certain prescription drugs. The bill has received seven hearings in the House Health & Aging Committee's Opiate Addiction Treatment & Reform Subcommittee.

[**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 has received seven hearings in the House Health & Aging Committee's Opiate Addiction Treatment & Reform Subcommittee.

[**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 passed the House on March 12, 2014 and has been referred to the Senate Education Committee.

Other Pending Legislation

[**SB 330 INSURER AUTHORIZATION**](#) (Cafaro) (Introduced 4/15/2014) To amend the law related to the prior Authorization requirements of insurers and of the medical assistance programs administered by the Department of Medicaid. The bill has been referred to the Senate

Insurance & Financial Institutions 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.

[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 is pending in the House Health & Aging Committee on February 19, 2014.

[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.

[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.

[SB 271](#) **DANGEROUS DRUGS** (Jones) (Introduced 02/04/2014) To require a retail terminal distributor of dangerous drugs to verify the prospective purchaser's identity when dispensing a controlled substance or tramadol. The bill is pending in the Senate Commerce & Labor Committee.

[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 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 received sponsor testimony in the House Insurance 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 is pending in the Senate Medicaid, Health & Human Services Committee.

[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.