

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 102**

**Senator Yuko**

**Cosponsors: Senators Brown, Tavares**

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**A BILL**

To amend sections 3707.48, 3707.99, 3721.04, and 1  
3721.99 and to enact sections 3707.061 and 2  
3721.026 of the Revised Code regarding outbreaks 3  
of Clostridium difficile in nursing homes. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3707.48, 3707.99, 3721.04, and 5  
3721.99 be amended and sections 3707.061 and 3721.026 of the 6  
Revised Code be enacted to read as follows: 7

**Sec. 3707.061.** (A) As used in this section: 8

(1) "Nursing home" has the same meaning as in section 9  
3721.01 of the Revised Code. 10

(2) "Outbreak" has the same meaning as in rules adopted 11  
under division (B) of section 3721.04 of the Revised Code. 12

(B) The operator of a nursing home shall report to the 13  
health commissioner within whose jurisdiction the nursing home 14  
is located not later than forty-eight hours after an outbreak of 15  
clostridium difficile occurs in the nursing home. 16

(C) Information reported under this section that is 17

protected health information pursuant to section 3701.17 of the 18  
Revised Code shall be released only in accordance with that 19  
section. Information that does not identify an individual may be 20  
released in summary, statistical, or aggregate form. 21

(D) No nursing home operator shall knowingly fail to 22  
timely submit a report required by this section. 23

**Sec. 3707.48.** No person shall ~~violate sections~~ do either 24  
of the following: 25

(A) Violate any of the following: 26

(1) Sections 3707.01 to 3707.06 of the Revised Code; 27

(2) Sections 3707.07 to 3707.50 ~~or section of the Revised~~ 28  
Code; 29

(3) Section 3707.53 of the Revised Code, ~~or any~~. 30

(B) Violate any order or regulation of the board of health 31  
of a city or general health district made in pursuance thereof, 32  
obstruct or interfere with the execution of such order, or 33  
willfully or illegally omit to obey such order. 34

**Sec. 3707.99.** (A) Whoever violates section 3707.03 of the 35  
Revised Code, unless good and sufficient reason therefor is 36  
shown, is guilty of a minor misdemeanor. 37

(B) Whoever violates division (B) of section 3707.06 or 38  
section 3707.48 of the Revised Code is guilty of a minor 39  
misdemeanor on a first offense; on each subsequent offense, the 40  
person is guilty of a misdemeanor of the fourth degree. 41

(C) Whoever violates division (D) of section 3707.061 of 42  
the Revised Code shall be fined one hundred dollars for a first 43  
offense. For each subsequent offense, the violator shall be 44

fined five hundred dollars. 45

Sec. 3721.026. The operator of each nursing home shall 46  
submit an annual report to the director of health regarding 47  
outbreaks of clostridium difficile in the nursing home during 48  
the year that the report covers. The report shall include the 49  
type of information and be presented in the format specified in 50  
rules adopted under section 3721.04 of the Revised Code. 51

No nursing home operator shall knowingly fail to submit a 52  
report required by this section by the date it is due. 53

**Sec. 3721.04.** (A) The director of health shall adopt and 54  
publish rules governing the operation of homes, which shall have 55  
uniform application throughout the state, and shall prescribe 56  
standards for homes with respect to, but not limited to, the 57  
following matters: 58

(1) The minimum space requirements for occupants and 59  
equipping of the buildings in which homes are housed so as to 60  
ensure healthful, safe, sanitary, and comfortable conditions for 61  
all residents, so long as they are not inconsistent with 62  
Chapters 3781. and 3791. of the Revised Code or with any rules 63  
adopted by the board of building standards and by the state fire 64  
marshal; 65

(2) The number and qualifications of personnel, including 66  
management and nursing staff, for each class of home, and the 67  
qualifications of nurse aides, as defined in section 3721.21 of 68  
the Revised Code, used by long-term care facilities, as defined 69  
in that section; 70

(3) The medical, rehabilitative, and recreational services 71  
to be provided by each class of home; 72

(4) Dietetic services, including but not limited to 73

sanitation, nutritional adequacy, and palatability of food;	74
(5) The personal and social services to be provided by each class of home;	75 76
(6) The business and accounting practices to be followed and the type of patient and business records to be kept by such homes;	77 78 79
(7) The operation of adult day-care programs provided by and on the same site as homes licensed under this chapter;	80 81
(8) The standards and procedures to be followed by residential care facilities in admitting and retaining a resident who requires the application of dressings, including requirements for charting and evaluating on a weekly basis;	82 83 84 85
(9) The requirements for conducting weekly evaluations of residents receiving skilled nursing care in residential care facilities.	86 87 88
(B) <u>The director shall adopt rules governing the reports required by section 3721.026 of the Revised Code, including a rule that defines the term "outbreak" for the purpose of that section.</u> The director may adopt whatever additional rules are necessary to carry out or enforce the provisions of sections 3721.01 to 3721.09 and 3721.99 of the Revised Code.	89 90 91 92 93 94
(C) The following apply to the director when adopting rules under division (A) (1) of this section regarding the equipping of the buildings in which homes are housed:	95 96 97
(1) The rules shall not require that each resident sleeping room, or a percentage of the resident sleeping rooms, have a bathtub or shower that is directly accessible from or exclusively for the room.	98 99 100 101

(2) The rules shall require that the privacy and dignity	102
of residents be protected when the residents are transported to	103
and from bathing facilities, prepare for bathing, and bathe.	104
(D) The following apply to the director when adopting	105
rules under division (A) (2) of this section regarding the number	106
and qualifications of personnel in homes:	107
(1) When adopting rules applicable to residential care	108
facilities, the director shall take into consideration the	109
effect that the following may have on the number of personnel	110
needed:	111
(a) Provision of personal care services;	112
(b) Provision of part-time, intermittent skilled nursing	113
care pursuant to division (C) of section 3721.011 of the Revised	114
Code;	115
(c) Provision of skilled nursing care to residents	116
pursuant to division (D) of section 3721.011 of the Revised	117
Code.	118
(2) When adopting rules applicable to nursing homes, the	119
director shall require each nursing home to do both of the	120
following:	121
(a) Have sufficient direct care staff on each shift to	122
meet the needs of the residents in an appropriate and timely	123
manner;	124
(b) Have the following individuals provide a minimum daily	125
average of two and one-half hours of direct care per resident:	126
(i) Registered nurses, including registered nurses who	127
perform administrative and supervisory duties;	128

(ii) Licensed practical nurses, including licensed	129
practical nurses who perform administrative and supervisory	130
duties;	131
(iii) Nurse aides.	132
(3) The rules prescribing qualifications of nurse aides	133
used by long-term care facilities, as those terms are defined in	134
section 3721.21 of the Revised Code, shall be no less stringent	135
than the requirements, guidelines, and procedures established by	136
the United States secretary of health and human services under	137
section 1819 of the "Social Security Act," 101 Stat. 1330-160	138
(1987), 42 U.S.C. 1395i-3, as amended, and section 1919 of the	139
"Social Security Act," 101 Stat. 1330-182 (1987), 42 U.S.C.	140
1396r, as amended.	141
(E) The following apply to the director when adopting	142
rules under division (A) (2) of this section regarding the number	143
and qualifications of personnel in nursing homes or rules under	144
division (A) (5) of this section regarding social services to be	145
provided by nursing homes:	146
(1) The rules shall not prescribe the number of	147
individuals licensed as social workers under Chapter 4757. of	148
the Revised Code that a nursing home with one hundred twenty or	149
fewer beds must employ.	150
(2) The rules shall require each nursing home with more	151
than one hundred twenty beds to employ on a full-time basis one	152
individual licensed as a social worker under Chapter 4757. of	153
the Revised Code.	154
(3) The rules shall require each nursing home to offer its	155
residents medically related social services that assist the	156
residents in attaining or maintaining their highest practicable	157

physical, mental, and psychosocial well-being. 158

**Sec. 3721.99.** (A) Whoever violates section 3721.021, 159  
3721.026, division (B), (D), or (E) of section 3721.05, division 160  
(A), (C), or (D) of section 3721.051, section 3721.06, division 161  
(A) of section 3721.22, division (A) or (B) of section 3721.24, 162  
or division (E) or (F) of section 3721.30 of the Revised Code 163  
shall be fined one hundred dollars for a first offense. For each 164  
subsequent offense, the violator shall be fined five hundred 165  
dollars. 166

(B) Whoever violates division (A) or (C) of section 167  
3721.05 or division (B) of section 3721.051 of the Revised Code 168  
shall be fined five thousand dollars for a first offense. For 169  
each subsequent offense, the violator shall be fined ten 170  
thousand dollars. 171

(C) Whoever violates division (D) of section 3721.031 or 172  
division (E) of section 3721.22 of the Revised Code is guilty of 173  
registering a false complaint, a misdemeanor of the first 174  
degree. 175

**Section 2.** That existing sections 3707.48, 3707.99, 176  
3721.04, and 3721.99 of the Revised Code are hereby repealed. 177