

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**H. B. No. 697**

**Representatives McGregor, R., Widener**

—

**A B I L L**

To amend section 3727.05 and to enact sections 1  
3727.50 and 3727.51 of the Revised Code to require 2  
hospitals to operate emergency departments and 3  
maintain Medicaid and Medicare provider 4  
agreements, to provide exemptions to these 5  
requirements, and to permit the Director of Health 6  
to seek an injunction for violation of these 7  
requirements. 8

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

**Section 1.** That section 3727.05 be amended and sections 9  
3727.50 and 3727.51 of the Revised Code be enacted to read as 10  
follows: 11

**Sec. 3727.05.** The director of health may petition the court 12  
of common pleas of the county in which a hospital is located for 13  
an order enjoining any person or any political subdivision, 14  
agency, or instrumentality of this state from violating section 15  
3727.02 or 3727.50 of the Revised Code. Irrespective of any other 16  
remedy the director may have in law or equity, the court may grant 17  
the order upon a showing that the respondent named in the petition 18  
is violating section 3727.02 or 3727.50 of the Revised Code. 19

Sec. 3727.50. (A) As used in this section and section 3727.51 20  
of the Revised Code: 21

(1) "Dentist" means an individual licensed under Chapter 22  
4715. of the Revised Code to practice dentistry. 23

(2) "Medical staff member" means a physician or dentist who 24  
has been granted staff membership and holds active professional 25  
privileges at a hospital as determined by the hospital's governing 26  
body in accordance with section 3701.351 of the Revised Code. 27

(3) "Medical staff" means the physicians and dentists, 28  
collectively, who are medical staff members of a hospital. 29

(4) "Physician" means an individual authorized under Chapter 30  
4731. of the Revised Code to practice medicine and surgery, 31  
osteopathic medicine and surgery, or podiatric medicine and 32  
surgery. 33

(B) Except as provided in section 3727.51 of the Revised 34  
Code, each hospital in which medical services are provided to 35  
patients shall do all of the following: 36

(1) Operate an emergency department that offers emergency 37  
medical services to the general public twenty-four hours a day and 38  
seven days a week; 39

(2) Ensure that at least one physician and an adequate number 40  
of nursing personnel and other health care professionals who are 41  
qualified to provide care to patients seeking emergency medical 42  
services at the hospital are on duty and attending to the 43  
emergency department twenty-four hours a day and seven days a 44  
week; 45

(3) Ensure that the emergency department has a designated 46  
space in the hospital that is readily accessible to the general 47  
public; 48

(4) Post a clear and easily readable sign on the exterior of the hospital indicating the location of the emergency department for individuals who seek emergency medical services at the hospital; 49  
50  
51  
52

(5) Designate a medical staff member to direct the operations of the emergency department; 53  
54

(6) Integrate emergency department services with the services provided by other departments of the hospital; 55  
56

(7) Ensure that policies and procedures governing medical care provided by staff in the emergency department are established and regularly updated by the medical staff; 57  
58  
59

(8) Maintain both of the following: 60

(a) A provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 42 U.S.C. 301, as amended; 61  
62  
63

(b) A provider agreement with the United States secretary of health and human services pursuant to section 1866 of the "Social Security Act," 42 U.S.C. 1395cc, as amended. 64  
65  
66

Sec. 3727.51. The following are exempt from section 3727.50 of the Revised Code: 67  
68

(A) A hospital engaged primarily in providing specialized care to inpatients with alcoholism or chemical dependency rehabilitative service needs; 69  
70  
71

(B) A hospital classified as a long-term care hospital under 42 C.F.R. 412.23(e), as amended, that is engaged primarily in providing specialized acute hospital care for medically complex patients who are critically ill or have multi-system complications or failures, and have an average length of stay greater than twenty-five days; 72  
73  
74  
75  
76  
77

(C) A hospital engaged primarily in providing specialized care to inpatients with intensive, multi-disciplinary physical restorative service needs; 78  
79  
80

(D) A hospital engaged primarily in providing specialized care to inpatients diagnosed with mental illness; 81  
82

(E) A hospital in which medical services were provided prior to August 8, 2006, and that has not, since that date, done either of the following: 83  
84  
85

(1) Begun providing a service that is subject to section 3702.11 of the Revised Code; 86  
87

(2) Added more than ten per cent of the bed capacity that existed on August 8, 2006. 88  
89

(F) A hospital that is physically attached to another hospital if the hospital to which it is attached complies with division (B) of section 3727.50 of the Revised Code. 90  
91  
92

**Section 2.** That existing section 3727.05 of the Revised Code is hereby repealed. 93  
94