



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Alicyn Carrel, Ohio Department of Health

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: October 17, 2019

RE: CSI Review – Health Care Services (Pediatric Intensive Care Units) (OAC 3701-84-61 and 3701-84-62)

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This Ohio Department of Health (Department) rule package consists of two amended rules. The package was submitted to the CSI Office on August 5, 2019 with the public comment period open through September 4, 2019. No comments were received during this time. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on August 5, 2019.

These rules establish standards for pediatric intensive care unit (PICU) services and staffing. Amendments to the rules include updates to remove the requirement for a cardiovascular surgeon to be available at PICUs, to allow PICUs without cardiovascular surgery services and pediatric cardiac catheterization services to have transfer agreements to transport patients within 60 minutes to other PICUs to provide the necessary care, to allow PICUs to maintain a cardiovascular surgeon by contract or other arrangement, and to correct citations.

During the period of early stakeholder outreach, the Department held a meeting which included

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participation from physicians, medical directors, nurse managers, and service administrators representing several large regional hospitals such as Nationwide Children's Hospital, Akron Children's Hospital, Cleveland Clinic, and others. The Department states that these stakeholders acknowledged and accepted the recommended revisions. No comments were received during the public comment period.

These rules impact PICUs. Potential adverse impacts include the administrative costs associated with reporting requirements and compliance with the rules. Additionally, those that do not appropriately comply with the rules may face fines, which can range from \$1,000 to \$250,000. Violation of the rules may also result in an order to cease operation. The Department also notes that there are statutorily imposed inspection fees ranging from \$250 to \$1,750.

The Department states that the proposed rules are necessary to establish safety and quality of care of health care services for Ohioans.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.