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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

H.B. 324  
I\_134\_1004-3  
134<sup>th</sup> General Assembly

## Bill Analysis

[Click here for H.B. 324's Fiscal Note](#)

**Version:** As Pending in House Health

**Primary Sponsors:** Reps. Click and Lipps

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### SUMMARY

- In the absence of a public health order to the contrary, requires hospitals to permit in-person visits (1) during a public health emergency related to the spread of a contagious disease, or (2) any time when a contagious disease is unusually prevalent.
- Permits a hospital to take certain precautionary measures related to in-person visits during the above situations.
  - Permits a hospital to request from the Director of Health a waiver from the requirement that visitors use personal protective equipment (PPE) if the hospital has a shortage of PPE.
- Prohibits a public health order issued by the Department of Health or a local board of health regarding the spread of a contagious disease from preventing reasonable visitation by the patient's immediate family or other designated individuals, if the patient's condition becomes terminal.
- Clarifies that the above provisions are not to be construed or implemented in such a way as to conflict with federal regulatory guidance.
- Names these provisions Shirley and Wilma's Law.

### DETAILED ANALYSIS

#### Hospital visitation

In the absence of a public health order to the contrary, the bill requires hospitals to permit in-person visits during:

1. A public health emergency related to the spread of a contagious disease; or
2. At any time when a contagious disease is unusually prevalent.

The visits must be permitted for the patient's family, caretakers, or clergy persons to the same extent as was permitted before the emergency was declared or the disease prevalence increased. The bill requires a hospital's visitation policy during these situations to provide maximum access to patients, including offering evening and weekend visits and to be conducted in such a way as to not endanger the health of hospital patients, staff, or other individuals in the hospital facility.<sup>1</sup>

### **Designating visitors**

Under the bill, the patient, or an individual designated to make decisions on the patient's behalf, may designate the visitors who are authorized to visit the patient, including immediate family members (which includes parents, children, and siblings), attorneys-in-fact, personal representatives, caretakers, clergy, and other individuals providing care or companionship to the patient.<sup>2</sup>

### **Precautionary measures**

The bill permits a hospital to take certain precautionary measures related to in-person visits during the above situations. A hospital can do any of the following:

- Require visitor screening for symptoms of the contagious disease before the visitor enters the hospital, in the same manner as for hospital staff and volunteers;
- Prohibit hospital entry to a visitor who displays or discloses symptoms of the contagious disease and poses a risk to other individuals in the hospital;
- Require visitors to visit patients in their rooms (if the patient has a single room) or a designated visitor space, and to limit their movement throughout the hospital;
- Require a visitor to wear personal protective equipment, perform frequent hand hygiene, maintain appropriate physical distancing, and follow other reasonable safety precautions while in the hospital and during visits. A hospital can seek a waiver from this requirement from the Director of Health in the event of a shortage of personal protective equipment or if the hospital otherwise does not have adequate supplies of personal protective equipment;
- Provide visitors with information and warnings about the transmission of the contagious disease, including methods of reducing the transmission risk; and
- Limit the number of visitors seeing a patient at one time, but a hospital cannot limit visits to only one designated visitor per patient.<sup>3</sup>

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<sup>1</sup> R.C. 3727.30(A) and (E).

<sup>2</sup> R.C. 3727.30(D).

<sup>3</sup> R.C. 3727.30(C).

## Waivers – PPE

The bill requires the Director of Health to approve or deny a waiver request submitted by a hospital requesting an exemption that hospital visitors use personal protective equipment in certain circumstances, as described above. The Director may adopt rules under Chapter 119 of the Revised Code as necessary to carry out this requirement.<sup>4</sup>

## Health orders

The bill provides that no public health order issued by the Department of Health or a local board of health to control the spread of a contagious disease shall prevent reasonable visitation of a patient by the patient’s immediate family members (including parents, children, and siblings), attorneys-in-fact, or other individuals designated by the patient in the patient’s care plan, if the patient’s condition becomes terminal.<sup>5</sup>

## Federal regulations

The bill clarifies that it is not to be construed or implemented in such a way as to conflict with federal regulatory guidance relating to the contagious disease that is the subject of the unusual prevalence, such as guidance issued by the U.S. Centers for Medicare and Medicaid services or the Centers for Disease Control and Prevention.<sup>6</sup>

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## HISTORY

Action	Date
Introduced	05-25-21

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<sup>4</sup> R.C. 3701.042.

<sup>5</sup> R.C. 3727.30(B); R.C. 3701.13, 3701.14, 3709.20, and 3709.21, not in the bill.

<sup>6</sup> R.C. 3727.30(F).