

\_\_\_\_\_ moved to amend as follows:

In line 37, delete "Recovery housing, as defined in section 340.01  
of the" 1 2

Delete line 38 3

In line 39, delete "(h)" 4

Delete lines 41 and 42 5

In line 43, delete "(j)" and insert "(h)" 6

In line 45, after "(3)" insert "\"Physician\" means an individual  
authorized under Chapter 4731. of the Revised Code to practice medicine  
and surgery, osteopathic medicine and surgery, or podiatric medicine and  
surgery." 7 8 9 10

(4)" 11

In line 51, delete "(4)" and insert "(5) \"Practitioner\" includes all  
of the following:" 12 13

(a) A certified nurse-midwife, clinical nurse specialist,  
or certified nurse practitioner, each as defined in section" 14 15



<u>4723.01 of the Revised Code;</u>	16
<u>(b) A physician;</u>	17
<u>(c) A physician assistant licensed under Chapter 4730. of</u>	18
<u>the Revised Code;</u>	19
<u>(d) A psychologist, as defined in section 4732.01 of the</u>	20
<u>Revised Code.</u>	21
<u>(6)"</u>	22
In line 54, delete " <u>(5)</u> " and insert " <u>(7)</u> "	23
In line 119, delete " <u>either</u> " and insert " <u>any</u> "	24
After line 123, insert:	25
<u>"(iii) The patient or resident is participating in a group</u>	26
<u>therapy session."</u>	27
In line 127, after " <u>telecommunication</u> " insert " <u>provided to the</u>	28
<u>patient or resident"</u>	29
In line 128, delete " <u>both the</u> "	30
In line 129, delete " <u>advocate and</u> "	31
Delete line 154	32
In line 155, delete " <u>populations, and its</u> " and insert " <u>The</u>	33
<u>protocol's"</u>	34
After line 156, insert:	35
<u>"Under the protocol, an advocate is exempt from using</u>	36
<u>personal protective equipment while in the care setting if the</u>	37
<u>advocate presents to the care setting a practitioner's note</u>	38
<u>documenting that such use conflicts with, or is not required</u>	39
<u>because of, the advocate's own physical or mental health</u>	40

condition." 41

In line 161, delete "and both of the following" 42

Delete line 162 43

In line 163, delete "(a)" and insert "."" 44

Delete lines 166 through 174 and insert: 45

"(F) (1) A congregate care setting shall be immune from 46  
administrative and civil liability if a patient's or resident's 47  
advocate contracts, as a result of serving as the advocate, an 48  
infectious disease other than a foodborne disease." 49

(2) Division (F) (1) of this section does not grant a 50  
congregate care setting that is a hospital or health care 51  
facility immunity from a claim of negligence or medical 52  
malpractice for any care provided to the advocate should the 53  
advocate seek treatment at the hospital or facility for the 54  
infectious disease described in division (F) (1) of this 55  
section." 56

The motion was \_\_\_\_\_ agreed to.

## SYNOPSIS 57

### **Recovery housing and certain residential facilities** 58

#### **R.C. 3792.05** 59

Eliminates "recovery housing," defined as housing for 60  
individuals recovering from alcoholism or drug addiction, and 61  
"residential facility," defined as a home or facility providing 62  
care and services to adults with mental illnesses, from the 63

types of congregate care settings subject to the bill's 64  
provisions. 65

Maintains existing provisions that include residential 66  
facilities licensed by the Department of Developmental 67  
Disabilities as types of congregate care settings subject to the 68  
bill. 69

**Group therapy sessions** 70

**R.C. 3792.05** 71

Establishes an additional exception to the bill's general 72  
prohibition against denying a patient or resident access to an 73  
advocate after the patient's or resident's admission to a 74  
congregate care setting: when the patient or resident is 75  
participating in a group therapy session. 76

**Off-site access** 77

**R.C. 3792.05** 78

With respect to the bill's provision specifying that 79  
patient or resident access to an advocate includes access off- 80  
site through a means of telecommunication, requires that such 81  
off-site access be provided at no cost to the patient or 82  
resident, rather than at no cost to both the advocate and the 83  
patient or resident as under the bill's current version. 84

**Personal protective equipment - exemption** 85

**R.C. 3792.05** 86

Specifies that under a care setting's protocol governing 87  
the use of personal protective equipment (PPE), which may be 88  
established by the setting under certain circumstances, an 89  
advocate is exempt from using PPE if the advocate presents a 90

practitioner's note documenting that such use conflicts with the 91  
advocate's own physical or mental health condition. 92

For purposes of the exemption provision, defines 93  
"practitioner" to include all of the following: a physician, 94  
physician assistant, certified nurse practitioner, certified 95  
nurse-midwife, clinical nurse specialist, or psychologist. 96

Also eliminates the bill's existing provision stating that 97  
the PPE protocol must include exemptions for vulnerable 98  
populations. 99

#### **Immunity 100**

#### **R.C. 3792.05 101**

Revises the bill's provisions governing immunity from 102  
liability as follows: 103

(1) Grants a congregate care setting immunity from 104  
administrative and civil liability if an advocate contracts, as 105  
a result of serving as the advocate, an infectious disease other 106  
than a foodborne disease, rather than granting such immunity 107  
only to care settings that are hospitals and health care 108  
facilities and only when the advocate contracts the infectious 109  
disease during the advocate's quarantine with the patient as 110  
under the bill's current version; 111

(2) Specifies that the foregoing immunity does not extend 112  
to a claim of negligence or medical malpractice against a 113  
hospital or health care facility for any care provided to the 114  
advocate should the advocate seek treatment at the hospital or 115  
facility for the infectious disease, rather than for any care 116  
provided by the hospital or facility to the advocate to treat an 117  
infectious disease contracted during the advocate's quarantine 118

with the patient at the hospital or facility as under the	119
existing version of the bill.	120