



New Ohio law for reporting newborns diagnosed as opioid dependent

April 16, 2014

On April 11, 2014, Gov. Kasich signed into law [H.B. 315](#) requiring maternity units, newborn care nurseries and maternity homes to report to the Ohio Department of Health (ODH) the number of newborns diagnosed as opioid dependent. The law also authorizes local boards of health to grant maternity homes variances from or waivers of ODH rules regarding operation of a maternity home. H.B. 315 will be enacted in Sections 3711.13 and 3711.30 of the Ohio Revised Code and will become effective **July 10, 2014**.

Reporting Newborns Diagnosed as Opioid Dependent

The reports of opioid dependent newborns must be submitted no later than 30 days after the end of each quarter and cannot include any patient-identifying information.

In addition to requiring ODH to establish standards and procedures for reporting the information required under this section, the law also requires ODH to compile the information submitted and make a summary of that information available to the public no later than 90 days after the end of each calendar year. The information reported under this section will not be used for law enforcement purposes or disclosed to law enforcement authorities. The law defines "opioid" as opium, opium derivatives and synthetic opium substitutes.

Maternity Home Variances or Waivers

The law authorizes a local board of health (local board) to grant a variance from or waiver of any requirement established in ODH rules regarding the operation of a maternity home (home); however, a home seeking a variance or waiver must file an application with the local board in the city or general health district in which it is located. The local board is required to review each application received, determine whether to grant the variance or waiver and notify the home in writing of its decision no later than 45 days after receiving a home's application.

In addition, the local board must grant a variance if it determines that the intent of a requirement has been met by the home in an alternate manner. Further, the local board must grant a waiver if it determines that (1) strict application of a requirement would cause undue hardship to the home, and (2) granting the waiver would not jeopardize the health and safety of any patient or resident.

If the local board denies a variance or waiver requested by a home, the home may appeal the denial by filing a notice of appeal with ODH. The notice must be filed no later than 30 days after the local board's denial, and ODH must either affirm the local board's denial or grant the variance or waiver no later than 45 days after the notice of appeal is filed. ODH must notify both the local board and the home of its action in writing. Alternatively, if the local board grants a variance or waiver requested by a home, ODH may void this variance or waiver and notify the local board and the home of this action in writing no later than 45 days after the decision to void a variance or waiver.

Note, this variance provision only applies to maternity homes and not to maternity units or newborn nurseries.

Authors

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