

# Hamilton County LAW LIBRARY NEWS

Professional legal information, resources, and services

A Monthly Newsletter from the Hamilton County Law Library

May 2014

## Ohio Peer Review, Telemedicine, and Hospital Admissions Bills Effective May 20, 2014

By Rosina M. Caponi and Rhonda B. Schechter of Taft, Stettinius & Hollister. Reprinted with permission.

Governor Kasich recently signed into law two health care-related bills that will take effect on May 20, 2014: Ohio House Bill 123 ("HB 123") and Ohio House Bill 139 ("HB 139"). HB 123 contains new rules relating to Medicaid coverage for telemedicine and also expands Ohio's peer review confidentiality statutes. HB 139 allows for certain advance practice nurses ("APNs") and physician assistants ("PAs") to admit patients to hospitals.

### HB 123

HB 123 makes two changes to Ohio's health care legislation:

- It expands the confidentiality protections afforded to documents prepared by or for the use of a peer review committee.
- It directs Ohio's Medicaid program to develop rules for Medicaid coverage of "telehealth services," a.k.a. telemedicine.

Ohio law already provides that the proceedings and records of a health care entity's peer review

committee are not subject to discovery or introduction into evidence in any civil action against health care providers. And while the existing peer review statutes are fairly expansive in terms of the types of entities entitled to protection (and have been given a correspondingly expansive reading by Ohio courts), HB 123 provides some additional comfort that those statutes will not get in the way of integrated provider networks, including new models such as accountable care organizations, performing peer review activities. Specifically, by revising Ohio Revised Code ("O.R.C.") § 2305.25, HB 123 revised the definition of a "health care entity" to include accountable care organizations, as well as combinations of entities that in their own right would individually qualify as "health care entities"

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### Hamilton County Law Library

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Courthouse  
1000 Main Street  
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Cincinnati, OH 45202  
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Open Monday-Friday 8 - 4

[www.http://www.hamilton-co.org/cinlawlib/](http://www.hamilton-co.org/cinlawlib/)

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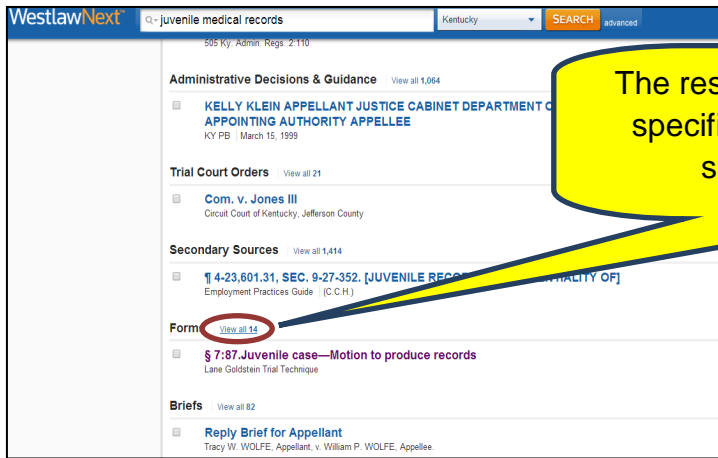
# Tech Tip: WestlawNext's Easy Edit Tool for Forms

By Julie Koehne, Assistant Law Librarian, Systems

Here is how to get a form and edit it quickly in WestlawNext.



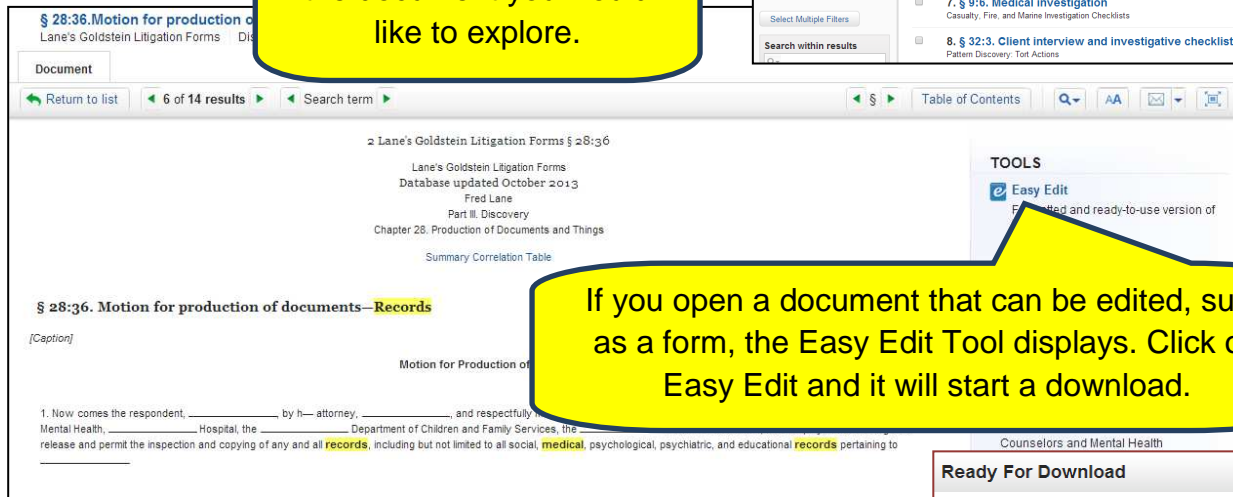
Open WestlawNext and enter your search. You may limit it by jurisdiction.



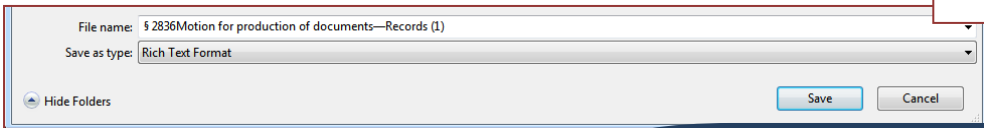
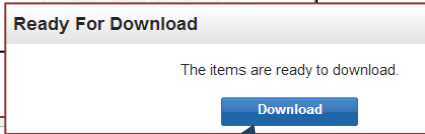
The results list only displays one entry under a specific section. To view all the results for a specific section, click on "view all".



In the results list, click on the document you would like to explore.



If you open a document that can be edited, such as a form, the Easy Edit Tool displays. Click on Easy Edit and it will start a download.



Click Download, name and save the file. The file is now ready for changes.

## Upcoming CLE

Free to subscribers; \$50 for non-subscribers  
To register, call 513.946.5300 or via email  
[reference@cms.hamilton-co.org](mailto:reference@cms.hamilton-co.org)

## Ohio Legislative History

Presenter: Laura Dixon-Caldwell  
June 25, 2014

Noon-1pm

1.0 hour of general CLE credit pending in  
Ohio and Kentucky

## Welcome, New Subscribers!

The Law Library is pleased to welcome a number of new subscribers in recent months, including eleven solo attorneys and several law firms. We're also glad to have quite a few new city and county employees as active users of the library. Here are several services that new users seem especially glad to discover here:

- Videoconferencing capability with courts and prisons, in- and out-of-state;
- Off-site access to research guides and legal information databases (with some exceptions);
- Legal research support: guidance, email delivery of cases, forms, and more; and,
- Free CLEs.



## Research Help for the General Public

The bulk of the Law Library's users are attorneys and other legal professionals, but we serve the general public, too, from people doing research on behalf of small businesses and organizations to self-represented litigants. In addition to our popular *You and the Legal System* series for the public and the online research guides we offer, we provide research help to public patrons. In fact, nearly one third of the inquiries we receive for research guidance most months come from the general public. We provide on-site-only research guidance to people who are not subscribers or local government officials.

We have this disclaimer on our website, and we paraphrase it in interactions with first-time users:

**Disclaimer:** Hamilton County Law Library staff, as a service to its patrons, provides reference services and information, including research guides. To protect the public interest, Ohio law requires that legal advice and services be rendered only by qualified attorneys who are subject to the guidelines of the courts. Library staff members do not interpret the law, provide legal advice, or explain court procedures. The information provided is not a substitute for legal advice from a licensed attorney. None of our services shall be construed as giving legal advice.

We often point library users to the CBA's Lawyer Referral Service and other resources in the community.

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eligible for protection under the peer review statutes. Further, HB 123 clarifies that for purposes of the peer review statute, the term "Hospital" includes "a group of hospitals that are owned, sponsored, or managed by a single entity," thereby making it clear that hospital systems may engage in peer review activities at the system level and still enjoy the protections under the statute. By adding language to O.R.C. § 2305.252, HB 123 also limits the circumstances in which the privilege of confidentiality is considered waived. The new language specifies that the release of any document, record or piece of information protected by the privilege does not affect the confidentiality of any other such documents, records or information. "Only the information, documents, or records actually released cease to be privileged." In addition, the new language states that health care entities may share such privileged information, documents or records, so long as they are used only for peer review purposes.

HB 123 also directs the Ohio Department of Medicaid to establish standards for Medicaid payments for "telehealth services," defined as health services "delivered to a patient through the use of interactive audio, video, or other telecommunications or electronic technology from a site other than the site where the patient is located." In response, the Department of Medicaid issued Draft Rule 5160-1-18, which would establish Medicaid coverage for evaluation and management services and psychiatric services delivered through telemedicine. To be eligible for Medicaid coverage, services must be delivered via interactive, real-time electronic communication by a doctor or licensed psy-

chologist at a "distant site" to a patient at an "originating site," such as a hospital or a doctor's office. The distant site provider may submit a claim for the telemedical service but may not submit a facility claim. The originating site provider may submit a claim for a telehealth originating fee if it is not an inpatient hospital or nursing facility and if it does not submit a claim for a separately-identifiable evaluation and management service provided to the patient that same day.

### **HB 139**

HB 139 grants certain APNs and PAs the ability to admit hospital inpatients. Prior to HB 139, only physicians, dentists or podiatrists who were members of a hospital's medical staff could admit patients.

Now, clinical nurse specialists, certified nurse midwives and certified nurse practitioners may admit patients, so long as the following requirements are met:

- The APN has a standard care arrangement with a collaborating physician who is a member of the medical staff.
- The patient will be under the medical supervision of the collaborating physician.
- The hospital has granted the APN admitting privileges and appropriate credentials.
- Prior to admitting the patient, the APN must notify the collaborating physician of the planned admission. All admitting arrangements should be documented in the APN's standard care arrangement.

In addition, PAs may admit hospital patients, so long as the following conditions are met:

- The PA is listed on an approved supervision agreement with a physician who is a member of the hospital's medical staff.
- The patient will be under the medical supervision of the supervising physician.
- The hospital has granted the PA admitting privileges and appropriate credentials.
- Prior to admitting a patient, the PA must notify the supervising physician of the planned admission.

APNs and PAs who wish to start admitting patients must ensure that they first receive proper hospital privileges. Furthermore, the standard care arrangements for any APNs will have to be updated to allow for the admission of hospital inpatients.

For more information, contact [Rosina M. Caponi](#) or [Rhonda B. Schechter](#).

## Municipal Ordinances and County Law Libraries

By Mary Jenkins, Law Librarian & Director

Ohio law requires that townships and municipal corporations provide a copy of their ordinances and any standard or technical ordinances to the county law library in which they are located (RC §111.22 and RC §731.231). There is no allowance for online versions at this point, although a web-based copy is useful, even if unofficial. While the municipality has the burden of supplying its ordinances, this county law library takes seriously its responsibility to house the ordinances and provide access to them.

Many municipalities are in compliance;

others may never have been challenged on this point. I am asked to sign an affidavit once or twice a year here in Hamilton County, attesting to the absence of particular municipal ordinances. I've been subpoenaed a few times but the cases were settled. This is the experience for a number of Ohio county law libraries. In fact, I find very little case law, which suggests that, while the absence of ordinances may lead to occasional legal challenges, the issues are resolved satisfactorily. (See *City of Carlisle v. Martz Concrete Co.*, 2007 Ohio 4362, as an example. Carlisle, operating under a charter, expressly addressed procedures for the publication and availability of its ordinances and was, thus, not found to have violated the statute.) Typically, the cases arise when a resident or contractor is fined or otherwise found to be noncompliant with local code, often for a matter related to some aspect of construction. The person then contends that, because the ordinances were not available at the county law library, the requirements were unknown and, as a result, compliance was hindered.

Citizen access to public information is important, as is compliance with state law. A purported violation and the resultant work for the municipality is easy to avoid by sending the ordinances and any revisions to the county law library and ensuring periodically that they are complete and available to the public. To see if we have a Hamilton County municipality's ordinances at the Law Library, just search for the name of the municipality in our catalog or give us a call at 513.946.5300.



## Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to 6 weeks at a time

Access to electronic databases from the Law Library, including LexisNexis, Shepards', CCH Omnitax, CCH Human Resources Group, and CCH Business Group resources, Westlaw material, Hein Online Law Journals and Federal Register, and over 70 Aspen /LOISLaw treatises in 16 substantive areas

Wireless network throughout the Law Library

Polycom videoconferencing

5 meeting rooms with speaker phones

Legal research guidance by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

Inexpensive CLE seminars throughout the year

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises and CCH resources.

Low cost Lexis offsite access for solo attorneys

## You and the Legal System: Landlord Tenant Law

Attorney Ivan Tamarkin is our next speaker in the *You and the Legal System* series for the public. Mr. Tamarkin will discuss Landlord Tenant Law on Friday, May 16 in the Law Library.

The program is free to the public. To register, call 513.946.5300.

Please note that this is not a CLE event; it is intended for the general public. However, attorneys are welcome to attend and may want to pass along the program announcement to clients, staff and community organizations. If you would like more information, please contact Laura Dixon-Caldwell at 513.946.5302.

*You and the Legal System* is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service.

Save the date for the next event in the *You and the Legal System* series. Steven Stuhlbarg will discuss Employment Law on June 20.



## Landlord Tenant Law Resources

The Law Library offers a variety of print and electronic resources on Landlord Tenant Law. If you have questions about access to any of these resources, just call us at 513.946.5300.

American law of landlord and tenant  
KF589 .S34 2013

Anderson's Ohio real estate law handbook  
KFO112.Z9 O45

Baldwin's Ohio landlord tenant law  
KFO117 .W45 2014

Baldwin's Ohio real estate law  
KFO112 .H38 2013

Baldwin's Ohio real estate laws annotated  
KFO112 .H38

\*Every landlord's legal guide  
KF590.Z9 S74 2010

\*Every tenant's legal guide  
KF590.Z9 P67 2009

\*First-time landlord : your guide to renting out a single-family home  
HD1394.5.U6 P67 2009

Friedman on leases  
KF590 .F74 2014

Landlord-tenant law from A to Z [in Ohio]  
KFO117 .L35 2010

Landlord and tenant law in a nutshell  
KF590.Z9 H45 2011

\*Leases & rental agreements  
KF590.Z9 S744 2009

Ohio eviction and landlord tenant law  
KFO117 .I85 2012

Ohio real property law and practice  
KFO112 .M35 2006-

\*Renters' rights : the basics  
KF590.Z9 P673 2009

### Online Resources-Remote Access\*\*

#### Aspen/LoisLaw

#### **Real Estate Law Library:**

Commercial Real Estate Law Handbook

Commercial Real Estate Leases

State-by-State Guide to Commercial Real Estate Leases

#### EBSCO

Every Landlord's Guide to Finding Great Tenants

Every Landlord's Property Protection Guide

Every Landlord's Tax Deduction Guide

Leases & Rental Agreements

Secrets to a Successful Eviction for Landlords & Rental Property Managers

\*Available online through EBSCO

#### **Links**

Hamilton County Law Library Research Guide-

[http://libguides.hamilton-co.org/landlord\\_tenant](http://libguides.hamilton-co.org/landlord_tenant)

\*\*\*Remote access is available to subscribers who are solos or firm attorneys whose entire firm has a subscription to the Law Library.

### Upcoming Events:

May 16: You and the Legal System: Landlord Tenant Law

June 20: You and the Legal System: Employment Law

June 25: Ohio Legislative History CLE

### Law Library Holidays:

The Law Library will be closed on Monday, May 26 in observance of Memorial Day.



## May 2014 Law Library Newsletter

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ADDRESS CORRECTION REQUESTED

Hamilton County Law Library  
Hamilton County Courthouse  
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