



Ohio Administrative Code Rule 3701-68-01 Women's health services.

Effective: October 31, 2024

(A) As used in this chapter:

(1) "Director" means the director of the Ohio department of health or any official or employee of the Ohio department of health designated by the director.

(2) "Licensed counselor" means a person who is licensed under Chapter 4757. of the Revised Code to practice professional counseling.

(3) "Licensed doctor" means a person who is licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, or osteopathic medicine and surgery.

(4) "Licensed nurse" means a person who is licensed under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse (APRN), registered nurse or licensed to practice nursing as a practical nurse.

(5) "Licensed social worker" means a person who is licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(6) "Physician assistant" means a person who is licensed under Chapter 4730. of the Revised Code to practice medicine as a physician assistant.

(7) "Local health department" means the health department created by the board of health of the city or general health district, or entity having the duties of the board of health as authorized by Chapter 3709. of the Revised Code.

(8) "Women's health services" means one or more of the following:

(a) Pelvic exams and lab testing;



- (b) Breast exams and patient education on breast cancer;
 - (c) Screening and diagnosis for cervical cancer, including but not limited to, pap test, cervical cytology, colposcopy, and loop electrosurgical excision procedure (LEEP);
 - (d) Screening and treatment for sexually transmitted infections (STIs), including human papillomavirus vaccines;
 - (e) Voluntary choice of contraception, including abstinence and natural family planning;
 - (f) Patient education and pre-pregnancy counseling on the dangers of smoking/vaping, alcohol, and drug use during pregnancy;
 - (g) Education on sexual coercion and violence in relationships; and
 - (h) Preconception, prenatal, and/or postpartum care or referral for prenatal care.
- (B) To be eligible for grant funding for the provision of women's health services, the applicant is mandated to meet the following criteria.
- (1) The applicant will certify to the director that either:
 - (a) The applicant does not provide abortion services or counseling for or referrals for abortion, except in the case of a medical emergency; or
 - (b) If the applicant provides abortion services or counseling for or referrals for abortion, the applicant's services are organized so that the women's health services are physically and financially separate from abortion-providing and abortion-promoting activities. To determine if the services are physically and financially separate from abortion providing and abortion-promoting activities, the director will consider the degree of separation of facilities, the existence of separate clinical personnel, the existence of separate accounting records, and the existence of separate phone lines, including fax and computer lines.



(2) The applicant will provide sufficient assurance to the director all of the following:

(a) None of the funds will be used to provide abortion services or for counseling for or referrals for abortion, except in the case of a medical emergency;

(b) The women's health services will be provided by licensed doctors, licensed nurses, advanced practice registered nurses (APRNs), physician assistants, licensed social workers and licensed counselors in a medical clinical setting;

(c) The program will not discriminate in the provision of services based on an individual's religion, race, national origin, handicapping condition, age, sex, number of pregnancies or marital status;

(d) The program will provide services without subjecting individuals to any coercion to accept services or to employ any particular method of family planning;

(e) Acceptance of services will be solely on a voluntary basis and will not be made a prerequisite to eligibility for, or receipt of, any other service, assistance from, or participation in, any other program of the service provider; and

(f) The costs for services provided by the program, if any are charged, will be based on the patient's ability to pay and priority in the provision of services will be given to persons from low-income families.

(3) The applicant will develop and implement clinical protocols consistent with applicable nationally recognized standards of care (i.e. American college of obstetricians and gynecologists, centers for disease control and prevention, U.S. preventive services task force, American cancer society). The applicant need only have clinical protocols for any of the eight women's health services applicant provides or proposes to provide.

(C) The director will award grant in amounts determined appropriate to eligible applicants in the following order of priority.



(1) The director will first consider grant applications from local health departments that meet the criteria listed in paragraph (B) of this rule and that meet the following criteria:

(a) The local health department provides or proposes to provide one or more of the women's health services defined in paragraph (A)(7) of this rule; and

(b) The local health department provides or proposes to provide the services directly. The personnel providing the services will be employed by or under contract for an individual's services with the local health department. The local health department will not directly or indirectly have the services provided by or for another entity to be eligible for the priority under this paragraph. This does not preclude a local health department from contracting with a professional practice for an individual's services or from making arrangements to establish alternative sites for services at other local health departments.

(c) In prioritizing the awards among local health departments that meet the criteria in this paragraph, the director may consider, among other reasonable factors, the comprehensiveness of the women's health services to be offered and the need for the women's health services throughout the state.

(2) If funds remain after awarding grants to all local health departments that qualify for a grant award under paragraph (C)(1) of this rule, the director will then consider for award other applicants that meet the criteria listed in paragraph (B) of this rule and that provide or propose to provide the following services. When prioritizing the grant awards among the applicants in this priority category, the director will consider the need for the women's health services throughout the state.

(a) The applicant provides or proposes to provide all eight of the women's health services defined in paragraph (A)(7) of this rule; or

(b) The applicant provides or proposes to provide all eight of the women's health services defined in paragraph (A)(7) of this rule except contraception.

(D) The director will not discriminate against an applicant because the applicant does not provide contraception.