



OHIO NEWS MEDIA ASSOCIATION | 1335 DUBLIN ROAD, SUITE 216-B | COLUMBUS OH 43215  
DENNIS R. HETZEL, PRESIDENT & EXECUTIVE DIRECTOR

**Ohio House Finance Committee  
Testimony of Dennis Hetzel, President & Executive Director  
Ohio News Media Association  
House Bill 49—State Operating Budget  
March 30, 2017**

Chairman Smith, Vice Chair Ryan, Ranking Member Cera and members of the House Finance Committee, thank you for this opportunity to testify today to share three specific Sunshine Law changes proposed for House Bill 49. As president and executive director of the Ohio News Media Association, I represent the great majority of Ohio's newspapers and affiliated websites. We have amendments drafted to resolve these concerns and hope these amendments can be submitted for your consideration.

**Drug Overdose Fatality Review Commissions (Lines 2876-2877; Lines 7060-7066)**

HB 49 includes language allowing counties to form drug overdose fatality review commissions to investigate deaths resulting from drug overdoses. Ohio's drug addiction epidemic is well documented, and these committees certainly can have a positive impact on each community's response to drug abuse and addiction.

Included with this proposal is language that places the work of these commissions in complete secrecy with no realistic ability to scrutinize the performance of these new public bodies. We understand that the primary work of these commissions requires open, candid discussions of specific cases, including patient-specific medical information. We are not opposing a broad exemption proposed to the open meetings law for that reason.

On the public records side, we believe that existing exemptions in R.C. 149.43 already provide necessary protections so that confidential medical records remain confidential. The problem is that the overly broad language in HB 49 would, for example, close the roster of commission members, dates of meetings and all findings other than one required annual report. Further, we are concerned that this new exemption could result in documents that are and should remain public records, such as death certificates, becoming confidential when they are handled by a drug overdose fatality review commission.

We would be glad to work with interested parties if there is a belief that new language is needed than already exists in the Code to protect records that should be confidential, but the work of these commissions that doesn't involve confidential information should not be swept into a broad exemption.

**Office of Long Term Care Ombudsman (8991-9003)**

Another public records change would impact records of the Ohio Department of Aging's Office of the State Long Term Care Ombudsman. Under the proposal, language would be added to R.C. 173.22 that would expand the broad, existing public records exemption for proprietary records of long term care providers to include advocacy visits. There are many reasons why activities of the ombudsman involving LTC facilities should be transparent and subject to open records. We find the language to be overly broad, particularly given the broad exemption the LTC facilities already have along with existing language in in

the Code that protects trade secrets and medical records. We respectfully ask that this language be removed.

**Ohio Lottery Commission Records (Lines 45448-45463)**

Finally, we are concerned over language in HB 49 that delays the availability of public records related to internal audit reports of the Ohio Lottery Commission until such time as the reports are presented to both the commission's director and chairperson. This would undermine settled law, as the Attorney General advises governmental bodies in the annual Sunshine Law manual, that draft documents are subject to disclosure as long as they meet the definition of a public record, which audit reports certainly do.

The language here also would allow the commission to delay release simply by passing the draft report to the director and not the chair or vice versa. We recommend that this new language be deleted so that the Lottery Commission has the same responsibilities as other Ohio governmental bodies.

Thank you for your time and consideration of these amendment requests. I would be happy to answer any questions that you might have.

**Contact information**

*Dennis R. Hetzel*

*President and Executive Director*

*Ohio News Media Association*

*1335 Dublin Road - Suite 216-B*

*Columbus OH 43215*

*(o) 614-486-6677 | (c) 614-940-5067*

*dhetzel@ohionews.org*