

As Re-Referred by the House Rules and Reference Committee

132nd General Assembly

Regular Session

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Sub. H. B. No. 427

Representative Young

**Cosponsors: Representatives Hill, Hood, Landis, Stein, Barnes, Bocchieri, Miller,
Ginter, Brenner, Dean**

A BILL

To amend sections 121.22, 149.43, and 4731.22 and 1
to enact sections 307.631, 307.632, 307.633, 2
307.634, 307.635, 307.636, 307.637, 307.638, 3
307.639, 340.038, 3701.049, 3705.161, 5119.63, 4
5119.64, and 5119.65 of the Revised Code to 5
require monthly drug overdose death reports, to 6
create three community and faith-based substance 7
abuse grant programs, to provide for the 8
establishment of drug overdose fatality review 9
committees, and to make an appropriation. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 121.22, 149.43, and 4731.22 be 11
amended and sections 307.631, 307.632, 307.633, 307.634, 12
307.635, 307.636, 307.637, 307.638, 307.639, 340.038, 3701.049, 13
3705.161, 5119.63, 5119.64, and 5119.65 of the Revised Code be 14
enacted to read as follows: 15

Sec. 121.22. (A) This section shall be liberally construed 16
to require public officials to take official action and to 17
conduct all deliberations upon official business only in open 18

meetings unless the subject matter is specifically excepted by	19
law.	20
(B) As used in this section:	21
(1) "Public body" means any of the following:	22
(a) Any board, commission, committee, council, or similar	23
decision-making body of a state agency, institution, or	24
authority, and any legislative authority or board, commission,	25
committee, council, agency, authority, or similar decision-	26
making body of any county, township, municipal corporation,	27
school district, or other political subdivision or local public	28
institution;	29
(b) Any committee or subcommittee of a body described in	30
division (B) (1) (a) of this section;	31
(c) A court of jurisdiction of a sanitary district	32
organized wholly for the purpose of providing a water supply for	33
domestic, municipal, and public use when meeting for the purpose	34
of the appointment, removal, or reappointment of a member of the	35
board of directors of such a district pursuant to section	36
6115.10 of the Revised Code, if applicable, or for any other	37
matter related to such a district other than litigation	38
involving the district. As used in division (B) (1) (c) of this	39
section, "court of jurisdiction" has the same meaning as "court"	40
in section 6115.01 of the Revised Code.	41
(2) "Meeting" means any prearranged discussion of the	42
public business of the public body by a majority of its members.	43
(3) "Regulated individual" means either of the following:	44
(a) A student in a state or local public educational	45
institution;	46

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.

(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.

(D) This section does not apply to any of the following:

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;

(4) The organized crime investigations commission established under section 177.01 of the Revised Code;

(5) Meetings of a child fatality review board established	75
under section 307.621 of the Revised Code, meetings related to a	76
review conducted pursuant to guidelines established by the	77
director of health under section 3701.70 of the Revised Code,	78
and meetings conducted pursuant to sections 5153.171 to 5153.173	79
of the Revised Code;	80
(6) The state medical board when determining whether to	81
suspend a certificate without a prior hearing pursuant to	82
division (G) of either section 4730.25 or 4731.22 of the Revised	83
Code;	84
(7) The board of nursing when determining whether to	85
suspend a license or certificate without a prior hearing	86
pursuant to division (B) of section 4723.281 of the Revised	87
Code;	88
(8) The state board of pharmacy when determining whether	89
to suspend a license without a prior hearing pursuant to	90
division (D) of section 4729.16 of the Revised Code;	91
(9) The state chiropractic board when determining whether	92
to suspend a license without a hearing pursuant to section	93
4734.37 of the Revised Code;	94
(10) The executive committee of the emergency response	95
commission when determining whether to issue an enforcement	96
order or request that a civil action, civil penalty action, or	97
criminal action be brought to enforce Chapter 3750. of the	98
Revised Code;	99
(11) The board of directors of the nonprofit corporation	100
formed under section 187.01 of the Revised Code or any committee	101
thereof, and the board of directors of any subsidiary of that	102
corporation or a committee thereof;	103

(12) An audit conference conducted by the audit staff of 104
the department of job and family services with officials of the 105
public office that is the subject of that audit under section 106
5101.37 of the Revised Code; 107

(13) The occupational therapy section of the occupational 108
therapy, physical therapy, and athletic trainers board when 109
determining whether to suspend a license or limited permit 110
without a hearing pursuant to division (D) of section 4755.11 of 111
the Revised Code; 112

(14) The physical therapy section of the occupational 113
therapy, physical therapy, and athletic trainers board when 114
determining whether to suspend a license without a hearing 115
pursuant to division (E) of section 4755.47 of the Revised Code; 116

(15) The athletic trainers section of the occupational 117
therapy, physical therapy, and athletic trainers board when 118
determining whether to suspend a license without a hearing 119
pursuant to division (D) of section 4755.64 of the Revised Code; 120

(16) Meetings of a drug overdose fatality review committee 121
established under section 307.631 of the Revised Code. 122

(E) The controlling board, the tax credit authority, or 123
the minority development financing advisory board, when meeting 124
to consider granting assistance pursuant to Chapter 122. or 166. 125
of the Revised Code, in order to protect the interest of the 126
applicant or the possible investment of public funds, by 127
unanimous vote of all board or authority members present, may 128
close the meeting during consideration of the following 129
information confidentially received by the authority or board 130
from the applicant: 131

(1) Marketing plans; 132

(2) Specific business strategy;	133
(3) Production techniques and trade secrets;	134
(4) Financial projections;	135
(5) Personal financial statements of the applicant or	136
members of the applicant's immediate family, including, but not	137
limited to, tax records or other similar information not open to	138
public inspection.	139
The vote by the authority or board to accept or reject the	140
application, as well as all proceedings of the authority or	141
board not subject to this division, shall be open to the public	142
and governed by this section.	143
(F) Every public body, by rule, shall establish a	144
reasonable method whereby any person may determine the time and	145
place of all regularly scheduled meetings and the time, place,	146
and purpose of all special meetings. A public body shall not	147
hold a special meeting unless it gives at least twenty-four	148
hours' advance notice to the news media that have requested	149
notification, except in the event of an emergency requiring	150
immediate official action. In the event of an emergency, the	151
member or members calling the meeting shall notify the news	152
media that have requested notification immediately of the time,	153
place, and purpose of the meeting.	154
The rule shall provide that any person, upon request and	155
payment of a reasonable fee, may obtain reasonable advance	156
notification of all meetings at which any specific type of	157
public business is to be discussed. Provisions for advance	158
notification may include, but are not limited to, mailing the	159
agenda of meetings to all subscribers on a mailing list or	160
mailing notices in self-addressed, stamped envelopes provided by	161

the person. 162

(G) Except as provided in divisions (G)(8) and (J) of this 163
section, the members of a public body may hold an executive 164
session only after a majority of a quorum of the public body 165
determines, by a roll call vote, to hold an executive session 166
and only at a regular or special meeting for the sole purpose of 167
the consideration of any of the following matters: 168

(1) To consider the appointment, employment, dismissal, 169
discipline, promotion, demotion, or compensation of a public 170
employee or official, or the investigation of charges or 171
complaints against a public employee, official, licensee, or 172
regulated individual, unless the public employee, official, 173
licensee, or regulated individual requests a public hearing. 174
Except as otherwise provided by law, no public body shall hold 175
an executive session for the discipline of an elected official 176
for conduct related to the performance of the elected official's 177
official duties or for the elected official's removal from 178
office. If a public body holds an executive session pursuant to 179
division (G)(1) of this section, the motion and vote to hold 180
that executive session shall state which one or more of the 181
approved purposes listed in division (G)(1) of this section are 182
the purposes for which the executive session is to be held, but 183
need not include the name of any person to be considered at the 184
meeting. 185

(2) To consider the purchase of property for public 186
purposes, the sale of property at competitive bidding, or the 187
sale or other disposition of unneeded, obsolete, or unfit-for- 188
use property in accordance with section 505.10 of the Revised 189
Code, if premature disclosure of information would give an 190
unfair competitive or bargaining advantage to a person whose 191

personal, private interest is adverse to the general public 192
interest. No member of a public body shall use division (G) (2) 193
of this section as a subterfuge for providing covert information 194
to prospective buyers or sellers. A purchase or sale of public 195
property is void if the seller or buyer of the public property 196
has received covert information from a member of a public body 197
that has not been disclosed to the general public in sufficient 198
time for other prospective buyers and sellers to prepare and 199
submit offers. 200

If the minutes of the public body show that all meetings 201
and deliberations of the public body have been conducted in 202
compliance with this section, any instrument executed by the 203
public body purporting to convey, lease, or otherwise dispose of 204
any right, title, or interest in any public property shall be 205
conclusively presumed to have been executed in compliance with 206
this section insofar as title or other interest of any bona fide 207
purchasers, lessees, or transferees of the property is 208
concerned. 209

(3) Conferences with an attorney for the public body 210
concerning disputes involving the public body that are the 211
subject of pending or imminent court action; 212

(4) Preparing for, conducting, or reviewing negotiations 213
or bargaining sessions with public employees concerning their 214
compensation or other terms and conditions of their employment; 215

(5) Matters required to be kept confidential by federal 216
law or regulations or state statutes; 217

(6) Details relative to the security arrangements and 218
emergency response protocols for a public body or a public 219
office, if disclosure of the matters discussed could reasonably 220

be expected to jeopardize the security of the public body or 221
public office; 222

(7) In the case of a county hospital operated pursuant to 223
Chapter 339. of the Revised Code, a joint township hospital 224
operated pursuant to Chapter 513. of the Revised Code, or a 225
municipal hospital operated pursuant to Chapter 749. of the 226
Revised Code, to consider trade secrets, as defined in section 227
1333.61 of the Revised Code; 228

(8) To consider confidential information related to the 229
marketing plans, specific business strategy, production 230
techniques, trade secrets, or personal financial statements of 231
an applicant for economic development assistance, or to 232
negotiations with other political subdivisions respecting 233
requests for economic development assistance, provided that both 234
of the following conditions apply: 235

(a) The information is directly related to a request for 236
economic development assistance that is to be provided or 237
administered under any provision of Chapter 715., 725., 1724., 238
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 239
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 240
5709.81 of the Revised Code, or that involves public 241
infrastructure improvements or the extension of utility services 242
that are directly related to an economic development project. 243

(b) A unanimous quorum of the public body determines, by a 244
roll call vote, that the executive session is necessary to 245
protect the interests of the applicant or the possible 246
investment or expenditure of public funds to be made in 247
connection with the economic development project. 248

If a public body holds an executive session to consider 249

any of the matters listed in divisions (G) (2) to (8) of this 250
section, the motion and vote to hold that executive session 251
shall state which one or more of the approved matters listed in 252
those divisions are to be considered at the executive session. 253

A public body specified in division (B) (1) (c) of this 254
section shall not hold an executive session when meeting for the 255
purposes specified in that division. 256

(H) A resolution, rule, or formal action of any kind is 257
invalid unless adopted in an open meeting of the public body. A 258
resolution, rule, or formal action adopted in an open meeting 259
that results from deliberations in a meeting not open to the 260
public is invalid unless the deliberations were for a purpose 261
specifically authorized in division (G) or (J) of this section 262
and conducted at an executive session held in compliance with 263
this section. A resolution, rule, or formal action adopted in an 264
open meeting is invalid if the public body that adopted the 265
resolution, rule, or formal action violated division (F) of this 266
section. 267

(I) (1) Any person may bring an action to enforce this 268
section. An action under division (I) (1) of this section shall 269
be brought within two years after the date of the alleged 270
violation or threatened violation. Upon proof of a violation or 271
threatened violation of this section in an action brought by any 272
person, the court of common pleas shall issue an injunction to 273
compel the members of the public body to comply with its 274
provisions. 275

(2) (a) If the court of common pleas issues an injunction 276
pursuant to division (I) (1) of this section, the court shall 277
order the public body that it enjoins to pay a civil forfeiture 278
of five hundred dollars to the party that sought the injunction 279

and shall award to that party all court costs and, subject to 280
reduction as described in division (I) (2) of this section, 281
reasonable attorney's fees. The court, in its discretion, may 282
reduce an award of attorney's fees to the party that sought the 283
injunction or not award attorney's fees to that party if the 284
court determines both of the following: 285

(i) That, based on the ordinary application of statutory 286
law and case law as it existed at the time of violation or 287
threatened violation that was the basis of the injunction, a 288
well-informed public body reasonably would believe that the 289
public body was not violating or threatening to violate this 290
section; 291

(ii) That a well-informed public body reasonably would 292
believe that the conduct or threatened conduct that was the 293
basis of the injunction would serve the public policy that 294
underlies the authority that is asserted as permitting that 295
conduct or threatened conduct. 296

(b) If the court of common pleas does not issue an 297
injunction pursuant to division (I) (1) of this section and the 298
court determines at that time that the bringing of the action 299
was frivolous conduct, as defined in division (A) of section 300
2323.51 of the Revised Code, the court shall award to the public 301
body all court costs and reasonable attorney's fees, as 302
determined by the court. 303

(3) Irreparable harm and prejudice to the party that 304
sought the injunction shall be conclusively and irrebuttably 305
presumed upon proof of a violation or threatened violation of 306
this section. 307

(4) A member of a public body who knowingly violates an 308

injunction issued pursuant to division (I) (1) of this section 309
may be removed from office by an action brought in the court of 310
common pleas for that purpose by the prosecuting attorney or the 311
attorney general. 312

(J) (1) Pursuant to division (C) of section 5901.09 of the 313
Revised Code, a veterans service commission shall hold an 314
executive session for one or more of the following purposes 315
unless an applicant requests a public hearing: 316

(a) Interviewing an applicant for financial assistance 317
under sections 5901.01 to 5901.15 of the Revised Code; 318

(b) Discussing applications, statements, and other 319
documents described in division (B) of section 5901.09 of the 320
Revised Code; 321

(c) Reviewing matters relating to an applicant's request 322
for financial assistance under sections 5901.01 to 5901.15 of 323
the Revised Code. 324

(2) A veterans service commission shall not exclude an 325
applicant for, recipient of, or former recipient of financial 326
assistance under sections 5901.01 to 5901.15 of the Revised 327
Code, and shall not exclude representatives selected by the 328
applicant, recipient, or former recipient, from a meeting that 329
the commission conducts as an executive session that pertains to 330
the applicant's, recipient's, or former recipient's application 331
for financial assistance. 332

(3) A veterans service commission shall vote on the grant 333
or denial of financial assistance under sections 5901.01 to 334
5901.15 of the Revised Code only in an open meeting of the 335
commission. The minutes of the meeting shall indicate the name, 336
address, and occupation of the applicant, whether the assistance 337

was granted or denied, the amount of the assistance if 338
assistance is granted, and the votes for and against the 339
granting of assistance. 340

Sec. 149.43. (A) As used in this section: 341

(1) "Public record" means records kept by any public 342
office, including, but not limited to, state, county, city, 343
village, township, and school district units, and records 344
pertaining to the delivery of educational services by an 345
alternative school in this state kept by the nonprofit or for- 346
profit entity operating the alternative school pursuant to 347
section 3313.533 of the Revised Code. "Public record" does not 348
mean any of the following: 349

(a) Medical records; 350

(b) Records pertaining to probation and parole proceedings 351
or to proceedings related to the imposition of community control 352
sanctions and post-release control sanctions; 353

(c) Records pertaining to actions under section 2151.85 354
and division (C) of section 2919.121 of the Revised Code and to 355
appeals of actions arising under those sections; 356

(d) Records pertaining to adoption proceedings, including 357
the contents of an adoption file maintained by the department of 358
health under sections 3705.12 to 3705.124 of the Revised Code; 359

(e) Information in a record contained in the putative 360
father registry established by section 3107.062 of the Revised 361
Code, regardless of whether the information is held by the 362
department of job and family services or, pursuant to section 363
3111.69 of the Revised Code, the office of child support in the 364
department or a child support enforcement agency; 365

(f) Records specified in division (A) of section 3107.52 of the Revised Code;	366 367
(g) Trial preparation records;	368
(h) Confidential law enforcement investigatory records;	369
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	370 371
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	372 373
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	374 375 376 377
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	378 379 380 381
(m) Intellectual property records;	382
(n) Donor profile records;	383
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	384 385
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	386 387 388 389 390 391 392

(q) In the case of a county hospital operated pursuant to 393
Chapter 339. of the Revised Code or a municipal hospital 394
operated pursuant to Chapter 749. of the Revised Code, 395
information that constitutes a trade secret, as defined in 396
section 1333.61 of the Revised Code; 397

(r) Information pertaining to the recreational activities 398
of a person under the age of eighteen; 399

(s) In the case of a child fatality review board acting 400
under sections 307.621 to 307.629 of the Revised Code or a 401
review conducted pursuant to guidelines established by the 402
director of health under section 3701.70 of the Revised Code, 403
records provided to the board or director, statements made by 404
board members during meetings of the board or by persons 405
participating in the director's review, and all work products of 406
the board or director, and in the case of a child fatality 407
review board, child fatality review data submitted by the board 408
to the department of health or a national child death review 409
database, other than the report prepared pursuant to division 410
(A) of section 307.626 of the Revised Code; 411

(t) Records provided to and statements made by the 412
executive director of a public children services agency or a 413
prosecuting attorney acting pursuant to section 5153.171 of the 414
Revised Code other than the information released under that 415
section; 416

(u) Test materials, examinations, or evaluation tools used 417
in an examination for licensure as a nursing home administrator 418
that the board of executives of long-term services and supports 419
administers under section 4751.04 of the Revised Code or 420
contracts under that section with a private or government entity 421
to administer; 422

(v) Records the release of which is prohibited by state or federal law;	423 424
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	425 426 427
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	428 429 430 431 432 433
(y) Records listed in section 5101.29 of the Revised Code;	434
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	435 436 437
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	438 439 440
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	441 442 443
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	444 445 446
(dd) Personal information, as defined in section 149.45 of the Revised Code;	447 448
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address	449 450

confidentiality program established under sections 111.41 to 451
111.47 of the Revised Code, including the contents of any 452
application for absent voter's ballots, absent voter's ballot 453
identification envelope statement of voter, or provisional 454
ballot affirmation completed by a program participant who has a 455
confidential voter registration record, and records or portions 456
of records pertaining to that program that identify the number 457
of program participants that reside within a precinct, ward, 458
township, municipal corporation, county, or any other geographic 459
area smaller than the state. As used in this division, 460
"confidential address" and "program participant" have the 461
meaning defined in section 111.41 of the Revised Code. 462

(ff) Orders for active military service of an individual 463
serving or with previous service in the armed forces of the 464
United States, including a reserve component, or the Ohio 465
organized militia, except that, such order becomes a public 466
record on the day that is fifteen years after the published date 467
or effective date of the call to order; 468

(gg) In the case of a drug overdose fatality review 469
committee acting under sections 307.631 to 307.639 of the 470
Revised Code, information, documents, or reports presented to 471
the committee, statements made by committee members during 472
meetings of the committee, all work products of the committee, 473
and data submitted by the committee to the department of health, 474
other than the report prepared pursuant to section 307.636 of 475
the Revised Code. 476

(2) "Confidential law enforcement investigatory record" 477
means any record that pertains to a law enforcement matter of a 478
criminal, quasi-criminal, civil, or administrative nature, but 479
only to the extent that the release of the record would create a 480

high probability of disclosure of any of the following:	481
(a) The identity of a suspect who has not been charged	482
with the offense to which the record pertains, or of an	483
information source or witness to whom confidentiality has been	484
reasonably promised;	485
(b) Information provided by an information source or	486
witness to whom confidentiality has been reasonably promised,	487
which information would reasonably tend to disclose the source's	488
or witness's identity;	489
(c) Specific confidential investigatory techniques or	490
procedures or specific investigatory work product;	491
(d) Information that would endanger the life or physical	492
safety of law enforcement personnel, a crime victim, a witness,	493
or a confidential information source.	494
(3) "Medical record" means any document or combination of	495
documents, except births, deaths, and the fact of admission to	496
or discharge from a hospital, that pertains to the medical	497
history, diagnosis, prognosis, or medical condition of a patient	498
and that is generated and maintained in the process of medical	499
treatment.	500
(4) "Trial preparation record" means any record that	501
contains information that is specifically compiled in reasonable	502
anticipation of, or in defense of, a civil or criminal action or	503
proceeding, including the independent thought processes and	504
personal trial preparation of an attorney.	505
(5) "Intellectual property record" means a record, other	506
than a financial or administrative record, that is produced or	507
collected by or for faculty or staff of a state institution of	508
higher learning in the conduct of or as a result of study or	509

research on an educational, commercial, scientific, artistic, 510
technical, or scholarly issue, regardless of whether the study 511
or research was sponsored by the institution alone or in 512
conjunction with a governmental body or private concern, and 513
that has not been publicly released, published, or patented. 514

(6) "Donor profile record" means all records about donors 515
or potential donors to a public institution of higher education 516
except the names and reported addresses of the actual donors and 517
the date, amount, and conditions of the actual donation. 518

(7) "Peace officer, parole officer, probation officer, 519
bailiff, prosecuting attorney, assistant prosecuting attorney, 520
correctional employee, community-based correctional facility 521
employee, youth services employee, firefighter, EMT, 522
investigator of the bureau of criminal identification and 523
investigation, or federal law enforcement officer residential 524
and familial information" means any information that discloses 525
any of the following about a peace officer, parole officer, 526
probation officer, bailiff, prosecuting attorney, assistant 527
prosecuting attorney, correctional employee, community-based 528
correctional facility employee, youth services employee, 529
firefighter, EMT, investigator of the bureau of criminal 530
identification and investigation, or federal law enforcement 531
officer: 532

(a) The address of the actual personal residence of a 533
peace officer, parole officer, probation officer, bailiff, 534
assistant prosecuting attorney, correctional employee, 535
community-based correctional facility employee, youth services 536
employee, firefighter, EMT, an investigator of the bureau of 537
criminal identification and investigation, or federal law 538
enforcement officer, except for the state or political 539

subdivision in which the peace officer, parole officer, 540
probation officer, bailiff, assistant prosecuting attorney, 541
correctional employee, community-based correctional facility 542
employee, youth services employee, firefighter, EMT, 543
investigator of the bureau of criminal identification and 544
investigation, or federal law enforcement officer resides; 545

(b) Information compiled from referral to or participation 546
in an employee assistance program; 547

(c) The social security number, the residential telephone 548
number, any bank account, debit card, charge card, or credit 549
card number, or the emergency telephone number of, or any 550
medical information pertaining to, a peace officer, parole 551
officer, probation officer, bailiff, prosecuting attorney, 552
assistant prosecuting attorney, correctional employee, 553
community-based correctional facility employee, youth services 554
employee, firefighter, EMT, investigator of the bureau of 555
criminal identification and investigation, or federal law 556
enforcement officer; 557

(d) The name of any beneficiary of employment benefits, 558
including, but not limited to, life insurance benefits, provided 559
to a peace officer, parole officer, probation officer, bailiff, 560
prosecuting attorney, assistant prosecuting attorney, 561
correctional employee, community-based correctional facility 562
employee, youth services employee, firefighter, EMT, 563
investigator of the bureau of criminal identification and 564
investigation, or federal law enforcement officer by the peace 565
officer's, parole officer's, probation officer's, bailiff's, 566
prosecuting attorney's, assistant prosecuting attorney's, 567
correctional employee's, community-based correctional facility 568
employee's, youth services employee's, firefighter's, EMT's, 569

investigator of the bureau of criminal identification and 570
investigation's, or federal law enforcement officer's employer; 571

(e) The identity and amount of any charitable or 572
employment benefit deduction made by the peace officer's, parole 573
officer's, probation officer's, bailiff's, prosecuting 574
attorney's, assistant prosecuting attorney's, correctional 575
employee's, community-based correctional facility employee's, 576
youth services employee's, firefighter's, EMT's, investigator of 577
the bureau of criminal identification and investigation's, or 578
federal law enforcement officer's employer from the peace 579
officer's, parole officer's, probation officer's, bailiff's, 580
prosecuting attorney's, assistant prosecuting attorney's, 581
correctional employee's, community-based correctional facility 582
employee's, youth services employee's, firefighter's, EMT's, 583
investigator of the bureau of criminal identification and 584
investigation's, or federal law enforcement officer's 585
compensation unless the amount of the deduction is required by 586
state or federal law; 587

(f) The name, the residential address, the name of the 588
employer, the address of the employer, the social security 589
number, the residential telephone number, any bank account, 590
debit card, charge card, or credit card number, or the emergency 591
telephone number of the spouse, a former spouse, or any child of 592
a peace officer, parole officer, probation officer, bailiff, 593
prosecuting attorney, assistant prosecuting attorney, 594
correctional employee, community-based correctional facility 595
employee, youth services employee, firefighter, EMT, 596
investigator of the bureau of criminal identification and 597
investigation, or federal law enforcement officer; 598

(g) A photograph of a peace officer who holds a position 599

or has an assignment that may include undercover or plain 600
clothes positions or assignments as determined by the peace 601
officer's appointing authority. 602

As used in divisions (A) (7) and (B) (9) of this section, 603
"peace officer" has the same meaning as in section 109.71 of the 604
Revised Code and also includes the superintendent and troopers 605
of the state highway patrol; it does not include the sheriff of 606
a county or a supervisory employee who, in the absence of the 607
sheriff, is authorized to stand in for, exercise the authority 608
of, and perform the duties of the sheriff. 609

As used in divisions (A) (7) and (B) (9) of this section, 610
"correctional employee" means any employee of the department of 611
rehabilitation and correction who in the course of performing 612
the employee's job duties has or has had contact with inmates 613
and persons under supervision. 614

As used in divisions (A) (7) and (B) (9) of this section, 615
"youth services employee" means any employee of the department 616
of youth services who in the course of performing the employee's 617
job duties has or has had contact with children committed to the 618
custody of the department of youth services. 619

As used in divisions (A) (7) and (B) (9) of this section, 620
"firefighter" means any regular, paid or volunteer, member of a 621
lawfully constituted fire department of a municipal corporation, 622
township, fire district, or village. 623

As used in divisions (A) (7) and (B) (9) of this section, 624
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 625
emergency medical services for a public emergency medical 626
service organization. "Emergency medical service organization," 627
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 628

in section 4765.01 of the Revised Code. 629

As used in divisions (A) (7) and (B) (9) of this section, 630
"investigator of the bureau of criminal identification and 631
investigation" has the meaning defined in section 2903.11 of the 632
Revised Code. 633

As used in divisions (A) (7) and (B) (9) of this section, 634
"federal law enforcement officer" has the meaning defined in 635
section 9.88 of the Revised Code. 636

(8) "Information pertaining to the recreational activities 637
of a person under the age of eighteen" means information that is 638
kept in the ordinary course of business by a public office, that 639
pertains to the recreational activities of a person under the 640
age of eighteen years, and that discloses any of the following: 641

(a) The address or telephone number of a person under the 642
age of eighteen or the address or telephone number of that 643
person's parent, guardian, custodian, or emergency contact 644
person; 645

(b) The social security number, birth date, or 646
photographic image of a person under the age of eighteen; 647

(c) Any medical record, history, or information pertaining 648
to a person under the age of eighteen; 649

(d) Any additional information sought or required about a 650
person under the age of eighteen for the purpose of allowing 651
that person to participate in any recreational activity 652
conducted or sponsored by a public office or to use or obtain 653
admission privileges to any recreational facility owned or 654
operated by a public office. 655

(9) "Community control sanction" has the same meaning as 656

in section 2929.01 of the Revised Code. 657

(10) "Post-release control sanction" has the same meaning 658
as in section 2967.01 of the Revised Code. 659

(11) "Redaction" means obscuring or deleting any 660
information that is exempt from the duty to permit public 661
inspection or copying from an item that otherwise meets the 662
definition of a "record" in section 149.011 of the Revised Code. 663

(12) "Designee" and "elected official" have the same 664
meanings as in section 109.43 of the Revised Code. 665

(B) (1) Upon request and subject to division (B) (8) of this 666
section, all public records responsive to the request shall be 667
promptly prepared and made available for inspection to any 668
person at all reasonable times during regular business hours. 669
Subject to division (B) (8) of this section, upon request, a 670
public office or person responsible for public records shall 671
make copies of the requested public record available at cost and 672
within a reasonable period of time. If a public record contains 673
information that is exempt from the duty to permit public 674
inspection or to copy the public record, the public office or 675
the person responsible for the public record shall make 676
available all of the information within the public record that 677
is not exempt. When making that public record available for 678
public inspection or copying that public record, the public 679
office or the person responsible for the public record shall 680
notify the requester of any redaction or make the redaction 681
plainly visible. A redaction shall be deemed a denial of a 682
request to inspect or copy the redacted information, except if 683
federal or state law authorizes or requires a public office to 684
make the redaction. 685

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may

limit or condition the availability of public records by 717
requiring disclosure of the requester's identity or the intended 718
use of the requested public record. Any requirement that the 719
requester disclose the requester's identity or the intended use 720
of the requested public record constitutes a denial of the 721
request. 722

(5) A public office or person responsible for public 723
records may ask a requester to make the request in writing, may 724
ask for the requester's identity, and may inquire about the 725
intended use of the information requested, but may do so only 726
after disclosing to the requester that a written request is not 727
mandatory and that the requester may decline to reveal the 728
requester's identity or the intended use and when a written 729
request or disclosure of the identity or intended use would 730
benefit the requester by enhancing the ability of the public 731
office or person responsible for public records to identify, 732
locate, or deliver the public records sought by the requester. 733

(6) If any person chooses to obtain a copy of a public 734
record in accordance with division (B) of this section, the 735
public office or person responsible for the public record may 736
require that person to pay in advance the cost involved in 737
providing the copy of the public record in accordance with the 738
choice made by the person seeking the copy under this division. 739
The public office or the person responsible for the public 740
record shall permit that person to choose to have the public 741
record duplicated upon paper, upon the same medium upon which 742
the public office or person responsible for the public record 743
keeps it, or upon any other medium upon which the public office 744
or person responsible for the public record determines that it 745
reasonably can be duplicated as an integral part of the normal 746
operations of the public office or person responsible for the 747

public record. When the person seeking the copy makes a choice 748
under this division, the public office or person responsible for 749
the public record shall provide a copy of it in accordance with 750
the choice made by the person seeking the copy. Nothing in this 751
section requires a public office or person responsible for the 752
public record to allow the person seeking a copy of the public 753
record to make the copies of the public record. 754

(7) (a) Upon a request made in accordance with division (B) 755
of this section and subject to division (B) (6) of this section, 756
a public office or person responsible for public records shall 757
transmit a copy of a public record to any person by United 758
States mail or by any other means of delivery or transmission 759
within a reasonable period of time after receiving the request 760
for the copy. The public office or person responsible for the 761
public record may require the person making the request to pay 762
in advance the cost of postage if the copy is transmitted by 763
United States mail or the cost of delivery if the copy is 764
transmitted other than by United States mail, and to pay in 765
advance the costs incurred for other supplies used in the 766
mailing, delivery, or transmission. 767

(b) Any public office may adopt a policy and procedures 768
that it will follow in transmitting, within a reasonable period 769
of time after receiving a request, copies of public records by 770
United States mail or by any other means of delivery or 771
transmission pursuant to division (B) (7) of this section. A 772
public office that adopts a policy and procedures under division 773
(B) (7) of this section shall comply with them in performing its 774
duties under that division. 775

(c) In any policy and procedures adopted under division 776
(B) (7) of this section: 777

(i) A public office may limit the number of records 778
requested by a person that the office will physically deliver by 779
United States mail or by another delivery service to ten per 780
month, unless the person certifies to the office in writing that 781
the person does not intend to use or forward the requested 782
records, or the information contained in them, for commercial 783
purposes; 784

(ii) A public office that chooses to provide some or all 785
of its public records on a web site that is fully accessible to 786
and searchable by members of the public at all times, other than 787
during acts of God outside the public office's control or 788
maintenance, and that charges no fee to search, access, 789
download, or otherwise receive records provided on the web site, 790
may limit to ten per month the number of records requested by a 791
person that the office will deliver in a digital format, unless 792
the requested records are not provided on the web site and 793
unless the person certifies to the office in writing that the 794
person does not intend to use or forward the requested records, 795
or the information contained in them, for commercial purposes. 796

(iii) For purposes of division (B)(7) of this section, 797
"commercial" shall be narrowly construed and does not include 798
reporting or gathering news, reporting or gathering information 799
to assist citizen oversight or understanding of the operation or 800
activities of government, or nonprofit educational research. 801

(8) A public office or person responsible for public 802
records is not required to permit a person who is incarcerated 803
pursuant to a criminal conviction or a juvenile adjudication to 804
inspect or to obtain a copy of any public record concerning a 805
criminal investigation or prosecution or concerning what would 806
be a criminal investigation or prosecution if the subject of the 807

investigation or prosecution were an adult, unless the request 808
to inspect or to obtain a copy of the record is for the purpose 809
of acquiring information that is subject to release as a public 810
record under this section and the judge who imposed the sentence 811
or made the adjudication with respect to the person, or the 812
judge's successor in office, finds that the information sought 813
in the public record is necessary to support what appears to be 814
a justiciable claim of the person. 815

(9) (a) Upon written request made and signed by a 816
journalist on or after December 16, 1999, a public office, or 817
person responsible for public records, having custody of the 818
records of the agency employing a specified peace officer, 819
parole officer, probation officer, bailiff, prosecuting 820
attorney, assistant prosecuting attorney, correctional employee, 821
community-based correctional facility employee, youth services 822
employee, firefighter, EMT, investigator of the bureau of 823
criminal identification and investigation, or federal law 824
enforcement officer shall disclose to the journalist the address 825
of the actual personal residence of the peace officer, parole 826
officer, probation officer, bailiff, prosecuting attorney, 827
assistant prosecuting attorney, correctional employee, 828
community-based correctional facility employee, youth services 829
employee, firefighter, EMT, investigator of the bureau of 830
criminal identification and investigation, or federal law 831
enforcement officer and, if the peace officer's, parole 832
officer's, probation officer's, bailiff's, prosecuting 833
attorney's, assistant prosecuting attorney's, correctional 834
employee's, community-based correctional facility employee's, 835
youth services employee's, firefighter's, EMT's, investigator of 836
the bureau of criminal identification and investigation's, or 837
federal law enforcement officer's spouse, former spouse, or 838

child is employed by a public office, the name and address of 839
the employer of the peace officer's, parole officer's, probation 840
officer's, bailiff's, prosecuting attorney's, assistant 841
prosecuting attorney's, correctional employee's, community-based 842
correctional facility employee's, youth services employee's, 843
firefighter's, EMT's, investigator of the bureau of criminal 844
identification and investigation's, or federal law enforcement 845
officer's spouse, former spouse, or child. The request shall 846
include the journalist's name and title and the name and address 847
of the journalist's employer and shall state that disclosure of 848
the information sought would be in the public interest. 849

(b) Division (B) (9) (a) of this section also applies to 850
journalist requests for customer information maintained by a 851
municipally owned or operated public utility, other than social 852
security numbers and any private financial information such as 853
credit reports, payment methods, credit card numbers, and bank 854
account information. 855

(c) As used in division (B) (9) of this section, 856
"journalist" means a person engaged in, connected with, or 857
employed by any news medium, including a newspaper, magazine, 858
press association, news agency, or wire service, a radio or 859
television station, or a similar medium, for the purpose of 860
gathering, processing, transmitting, compiling, editing, or 861
disseminating information for the general public. 862

(C) (1) If a person allegedly is aggrieved by the failure 863
of a public office or the person responsible for public records 864
to promptly prepare a public record and to make it available to 865
the person for inspection in accordance with division (B) of 866
this section or by any other failure of a public office or the 867
person responsible for public records to comply with an 868

obligation in accordance with division (B) of this section, the 869
person allegedly aggrieved may do only one of the following, and 870
not both: 871

(a) File a complaint with the clerk of the court of claims 872
or the clerk of the court of common pleas under section 2743.75 873
of the Revised Code; 874

(b) Commence a mandamus action to obtain a judgment that 875
orders the public office or the person responsible for the 876
public record to comply with division (B) of this section, that 877
awards court costs and reasonable attorney's fees to the person 878
that instituted the mandamus action, and, if applicable, that 879
includes an order fixing statutory damages under division (C) (2) 880
of this section. The mandamus action may be commenced in the 881
court of common pleas of the county in which division (B) of 882
this section allegedly was not complied with, in the supreme 883
court pursuant to its original jurisdiction under Section 2 of 884
Article IV, Ohio Constitution, or in the court of appeals for 885
the appellate district in which division (B) of this section 886
allegedly was not complied with pursuant to its original 887
jurisdiction under Section 3 of Article IV, Ohio Constitution. 888

(2) If a requester transmits a written request by hand 889
delivery or certified mail to inspect or receive copies of any 890
public record in a manner that fairly describes the public 891
record or class of public records to the public office or person 892
responsible for the requested public records, except as 893
otherwise provided in this section, the requester shall be 894
entitled to recover the amount of statutory damages set forth in 895
this division if a court determines that the public office or 896
the person responsible for public records failed to comply with 897
an obligation in accordance with division (B) of this section. 898

The amount of statutory damages shall be fixed at one 899
hundred dollars for each business day during which the public 900
office or person responsible for the requested public records 901
failed to comply with an obligation in accordance with division 902
(B) of this section, beginning with the day on which the 903
requester files a mandamus action to recover statutory damages, 904
up to a maximum of one thousand dollars. The award of statutory 905
damages shall not be construed as a penalty, but as compensation 906
for injury arising from lost use of the requested information. 907
The existence of this injury shall be conclusively presumed. The 908
award of statutory damages shall be in addition to all other 909
remedies authorized by this section. 910

The court may reduce an award of statutory damages or not 911
award statutory damages if the court determines both of the 912
following: 913

(a) That, based on the ordinary application of statutory 914
law and case law as it existed at the time of the conduct or 915
threatened conduct of the public office or person responsible 916
for the requested public records that allegedly constitutes a 917
failure to comply with an obligation in accordance with division 918
(B) of this section and that was the basis of the mandamus 919
action, a well-informed public office or person responsible for 920
the requested public records reasonably would believe that the 921
conduct or threatened conduct of the public office or person 922
responsible for the requested public records did not constitute 923
a failure to comply with an obligation in accordance with 924
division (B) of this section; 925

(b) That a well-informed public office or person 926
responsible for the requested public records reasonably would 927
believe that the conduct or threatened conduct of the public 928

office or person responsible for the requested public records 929
would serve the public policy that underlies the authority that 930
is asserted as permitting that conduct or threatened conduct. 931

(3) In a mandamus action filed under division (C)(1) of 932
this section, the following apply: 933

(a) (i) If the court orders the public office or the person 934
responsible for the public record to comply with division (B) of 935
this section, the court shall determine and award to the relator 936
all court costs, which shall be construed as remedial and not 937
punitive. 938

(ii) If the court makes a determination described in 939
division (C)(3)(b)(iii) of this section, the court shall 940
determine and award to the relator all court costs, which shall 941
be construed as remedial and not punitive. 942

(b) If the court renders a judgment that orders the public 943
office or the person responsible for the public record to comply 944
with division (B) of this section or if the court determines any 945
of the following, the court may award reasonable attorney's fees 946
to the relator, subject to the provisions of division (C)(4) of 947
this section: 948

(i) The public office or the person responsible for the 949
public records failed to respond affirmatively or negatively to 950
the public records request in accordance with the time allowed 951
under division (B) of this section. 952

(ii) The public office or the person responsible for the 953
public records promised to permit the relator to inspect or 954
receive copies of the public records requested within a 955
specified period of time but failed to fulfill that promise 956
within that specified period of time. 957

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person

responsible for the requested public records reasonably would 988
believe that the conduct or threatened conduct of the public 989
office or person responsible for the requested public records 990
would serve the public policy that underlies the authority that 991
is asserted as permitting that conduct or threatened conduct. 992

(4) All of the following apply to any award of reasonable 993
attorney's fees awarded under division (C) (3) (b) of this 994
section: 995

(a) The fees shall be construed as remedial and not 996
punitive. 997

(b) The fees awarded shall not exceed the total of the 998
reasonable attorney's fees incurred before the public record was 999
made available to the relator and the fees described in division 1000
(C) (4) (c) of this section. 1001

(c) Reasonable attorney's fees shall include reasonable 1002
fees incurred to produce proof of the reasonableness and amount 1003
of the fees and to otherwise litigate entitlement to the fees. 1004

(d) The court may reduce the amount of fees awarded if the 1005
court determines that, given the factual circumstances involved 1006
with the specific public records request, an alternative means 1007
should have been pursued to more effectively and efficiently 1008
resolve the dispute that was subject to the mandamus action 1009
filed under division (C) (1) of this section. 1010

(5) If the court does not issue a writ of mandamus under 1011
division (C) of this section and the court determines at that 1012
time that the bringing of the mandamus action was frivolous 1013
conduct as defined in division (A) of section 2323.51 of the 1014
Revised Code, the court may award to the public office all court 1015
costs, expenses, and reasonable attorney's fees, as determined 1016

by the court. 1017

(D) Chapter 1347. of the Revised Code does not limit the 1018
provisions of this section. 1019

(E) (1) To ensure that all employees of public offices are 1020
appropriately educated about a public office's obligations under 1021
division (B) of this section, all elected officials or their 1022
appropriate designees shall attend training approved by the 1023
attorney general as provided in section 109.43 of the Revised 1024
Code. In addition, all public offices shall adopt a public 1025
records policy in compliance with this section for responding to 1026
public records requests. In adopting a public records policy 1027
under this division, a public office may obtain guidance from 1028
the model public records policy developed and provided to the 1029
public office by the attorney general under section 109.43 of 1030
the Revised Code. Except as otherwise provided in this section, 1031
the policy may not limit the number of public records that the 1032
public office will make available to a single person, may not 1033
limit the number of public records that it will make available 1034
during a fixed period of time, and may not establish a fixed 1035
period of time before it will respond to a request for 1036
inspection or copying of public records, unless that period is 1037
less than eight hours. 1038

(2) The public office shall distribute the public records 1039
policy adopted by the public office under division (E) (1) of 1040
this section to the employee of the public office who is the 1041
records custodian or records manager or otherwise has custody of 1042
the records of that office. The public office shall require that 1043
employee to acknowledge receipt of the copy of the public 1044
records policy. The public office shall create a poster that 1045
describes its public records policy and shall post the poster in 1046

a conspicuous place in the public office and in all locations 1047
where the public office has branch offices. The public office 1048
may post its public records policy on the internet web site of 1049
the public office if the public office maintains an internet web 1050
site. A public office that has established a manual or handbook 1051
of its general policies and procedures for all employees of the 1052
public office shall include the public records policy of the 1053
public office in the manual or handbook. 1054

(F) (1) The bureau of motor vehicles may adopt rules 1055
pursuant to Chapter 119. of the Revised Code to reasonably limit 1056
the number of bulk commercial special extraction requests made 1057
by a person for the same records or for updated records during a 1058
calendar year. The rules may include provisions for charges to 1059
be made for bulk commercial special extraction requests for the 1060
actual cost of the bureau, plus special extraction costs, plus 1061
ten per cent. The bureau may charge for expenses for redacting 1062
information, the release of which is prohibited by law. 1063

(2) As used in division (F) (1) of this section: 1064

(a) "Actual cost" means the cost of depleted supplies, 1065
records storage media costs, actual mailing and alternative 1066
delivery costs, or other transmitting costs, and any direct 1067
equipment operating and maintenance costs, including actual 1068
costs paid to private contractors for copying services. 1069

(b) "Bulk commercial special extraction request" means a 1070
request for copies of a record for information in a format other 1071
than the format already available, or information that cannot be 1072
extracted without examination of all items in a records series, 1073
class of records, or database by a person who intends to use or 1074
forward the copies for surveys, marketing, solicitation, or 1075
resale for commercial purposes. "Bulk commercial special 1076

extraction request" does not include a request by a person who 1077
gives assurance to the bureau that the person making the request 1078
does not intend to use or forward the requested copies for 1079
surveys, marketing, solicitation, or resale for commercial 1080
purposes. 1081

(c) "Commercial" means profit-seeking production, buying, 1082
or selling of any good, service, or other product. 1083

(d) "Special extraction costs" means the cost of the time 1084
spent by the lowest paid employee competent to perform the task, 1085
the actual amount paid to outside private contractors employed 1086
by the bureau, or the actual cost incurred to create computer 1087
programs to make the special extraction. "Special extraction 1088
costs" include any charges paid to a public agency for computer 1089
or records services. 1090

(3) For purposes of divisions (F)(1) and (2) of this 1091
section, "surveys, marketing, solicitation, or resale for 1092
commercial purposes" shall be narrowly construed and does not 1093
include reporting or gathering news, reporting or gathering 1094
information to assist citizen oversight or understanding of the 1095
operation or activities of government, or nonprofit educational 1096
research. 1097

(G) A request by a defendant, counsel of a defendant, or 1098
any agent of a defendant in a criminal action that public 1099
records related to that action be made available under this 1100
section shall be considered a demand for discovery pursuant to 1101
the Criminal Rules, except to the extent that the Criminal Rules 1102
plainly indicate a contrary intent. The defendant, counsel of 1103
the defendant, or agent of the defendant making a request under 1104
this division shall serve a copy of the request on the 1105
prosecuting attorney, director of law, or other chief legal 1106

officer responsible for prosecuting the action. 1107

Sec. 307.631. A board of county commissioners may appoint 1108
a health commissioner of the board of health of a city or 1109
general health district that is entirely or partially located in 1110
the county in which the board of county commissioners is located 1111
to establish a drug overdose fatality review committee to review 1112
drug overdose deaths and opioid-involved deaths. The boards of 1113
county commissioners of two or more counties may, by adopting a 1114
joint resolution passed by a majority of the members of each 1115
participating board of county commissioners, create a regional 1116
drug overdose fatality review committee to serve all 1117
participating counties. The joint resolution shall appoint, for 1118
each county participating as part of the regional review 1119
committee, one health commissioner from a board of health of a 1120
city or general health district located at least in part in each 1121
county. The health commissioners appointed shall select one of 1122
their number as the health commissioner to establish the 1123
regional review committee. The regional review committee may be 1124
established in the same manner as provided for single county 1125
review committees. 1126

In any county that has a body acting as a drug overdose 1127
fatality review committee on the effective date of this section, 1128
the board of county commissioners of that county, in lieu of 1129
having a health commissioner establish a drug overdose fatality 1130
review committee, may appoint that body to function as the drug 1131
overdose fatality review committee for the county. The body 1132
shall have the same duties, obligations, and protections as a 1133
drug overdose fatality review committee appointed by a health 1134
commissioner. The board of county commissioners or an individual 1135
designated by the board shall convene the body as required by 1136
section 307.634 of the Revised Code. 1137

Sec. 307.632. (A) If a health commissioner of the board of health of a city or a general health district is appointed under section 307.631 of the Revised Code to establish a drug overdose fatality review committee, the commissioner shall select six members to serve on the review committee along with the commissioner. The review committee shall consist of the following: 1138
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(1) A county coroner or designee; 1145

(2) The chief of police of a police department or the sheriff that serves the greatest population in the county or region or a designee of the chief or sheriff; 1146
1147
1148

(3) A public health official or designee; 1149

(4) A leader of a faith-based organization that serves the county or region over which the review committee has jurisdiction; 1150
1151
1152

(5) The executive director of a board of alcohol, drug addiction, and mental health services or designee; 1153
1154

(6) A physician who holds a certificate issued pursuant to Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery. 1155
1156
1157

(B) The majority of the members of a review committee may invite additional members to serve on the committee. The additional members invited under this division shall serve for a period of time determined by a majority of the members described in division (A) of this section. An additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section. 1158
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(C) A vacancy in a drug overdose review committee shall be 1165

filled in the same manner as the original appointment. 1166

(D) A drug overdose fatality review committee member shall 1167
not receive any compensation for, and shall not be paid for any 1168
expenses incurred pursuant to, fulfilling the member's duties on 1169
the committee unless compensation for, or payment for expenses 1170
incurred pursuant to, those duties is received pursuant to a 1171
member's regular employment. 1172

Sec. 307.633. The purpose of a drug overdose fatality 1173
review committee established under section 307.631 of the 1174
Revised Code is to decrease the incidence of preventable 1175
overdose deaths by doing all of the following: 1176

(A) Promoting cooperation, collaboration, and 1177
communication between all groups, professions, agencies, or 1178
entities engaged in drug abuse prevention, education, or 1179
treatment efforts; 1180

(B) Maintaining a comprehensive database of all overdose 1181
deaths that occur in the county or region served by the review 1182
committee in order to develop an understanding of the causes and 1183
incidence of those deaths; 1184

(C) Recommending and developing plans for implementing 1185
local service and program changes and changes to the groups, 1186
professions, agencies, or entities that serve local residents 1187
that might prevent overdose deaths; 1188

(D) Advising the department of health of aggregate data, 1189
trends, and patterns concerning overdose deaths. 1190

Sec. 307.634. If a drug overdose fatality review committee 1191
is established under section 307.631 of the Revised Code, the 1192
board of county commissioners, or if a regional drug overdose 1193
fatality review committee is established, the group of health 1194

commissioners appointed to select the health commissioner to 1195
establish the regional review committee, shall designate either 1196
the health commissioner that establishes the review committee or 1197
a representative of the health commissioner to convene meetings 1198
and be the chairperson of the review committee. If a regional 1199
review committee includes a county with more than one health 1200
district, the regional review committee meeting shall be 1201
convened in that county. If more than one of the counties 1202
participating on the regional review committee has more than one 1203
health district, the person convening the meeting shall select 1204
one of the counties with more than one health district as the 1205
county in which to convene the meeting. 1206

Sec. 307.635. A drug overdose fatality review committee 1207
may not conduct a review of a death while an investigation of 1208
the death or prosecution of a person for causing the death is 1209
pending unless the prosecuting attorney agrees to allow the 1210
review. The law enforcement agency conducting the criminal 1211
investigation, on the conclusion of the investigation, and the 1212
prosecuting attorney prosecuting the case, on the conclusion of 1213
the prosecution, shall notify the chairperson of the review 1214
committee of the conclusion. 1215

Sec. 307.636. (A) A drug overdose fatality review 1216
committee shall establish a system for collecting and 1217
maintaining information necessary for the review of drug 1218
overdose or opioid-involved deaths in the county or region. In 1219
an effort to ensure confidentiality, each committee shall do all 1220
of the following: 1221

(1) Maintain all records in a secure location; 1222

(2) Develop security measures to prevent unauthorized 1223
access to records containing information that could reasonably 1224

<u>identify any person;</u>	1225
<u>(3) Develop a system for storing, processing, indexing,</u>	1226
<u>retrieving, and destroying information obtained in the course of</u>	1227
<u>reviewing a drug overdose or opioid-involved death.</u>	1228
<u>(B) For each drug overdose or opioid-involved death</u>	1229
<u>reviewed by a committee, the committee shall collect all of the</u>	1230
<u>following:</u>	1231
<u>(1) Demographic information of the deceased, including</u>	1232
<u>age, sex, race, and ethnicity;</u>	1233
<u>(2) The year in which the death occurred;</u>	1234
<u>(3) The geographic location of the death;</u>	1235
<u>(4) The cause of death;</u>	1236
<u>(5) Any factors contributing to the death;</u>	1237
<u>(6) Any other information the committee considers</u>	1238
<u>relevant.</u>	1239
<u>(C) By the first day of April of each year, the person</u>	1240
<u>convening a drug overdose fatality review committee shall</u>	1241
<u>prepare and submit to the Ohio department of health in the</u>	1242
<u>manner and format prescribed by the department a report that</u>	1243
<u>includes all of the following information for the previous</u>	1244
<u>calendar year:</u>	1245
<u>(1) The total number of drug overdose or opioid-involved</u>	1246
<u>deaths in the county or region;</u>	1247
<u>(2) The total number of drug overdose or opioid-involved</u>	1248
<u>deaths reviewed by the committee;</u>	1249
<u>(3) A summary of demographic information for the deaths</u>	1250
<u>reviewed, including age, sex, race, and ethnicity;</u>	1251

(4) A summary of any trends or patterns identified by the 1252
committee. 1253

The report shall specify the number of drug overdose or 1254
opioid-involved deaths that were not reviewed during the 1255
previous calendar year. 1256

The report shall include recommendations for actions that 1257
might prevent other deaths, as well as any other information the 1258
review board determines should be included. 1259

(D) Reports prepared under division (C) of this section 1260
shall be considered public records under section 149.43 of the 1261
Revised Code. 1262

Sec. 307.637. (A) Notwithstanding section 3701.243 and any 1263
other section of the Revised Code pertaining to confidentiality, 1264
any individual, law enforcement agency, or other public or 1265
private entity that provided services to a person whose death is 1266
being reviewed by a drug overdose fatality review committee, on 1267
the request of the review committee, shall submit to the review 1268
committee a summary sheet of information. 1269

(1) With respect to a request made to a health care 1270
entity, the summary sheet shall contain only information 1271
available and reasonably drawn from the person's medical record 1272
created by the health care entity. 1273

(2) With respect to a request made to any other individual 1274
or entity, the summary shall contain only information available 1275
and reasonably drawn from any record involving the person that 1276
the individual or entity develops in the normal course of 1277
business. 1278

(3) On the request of the review committee, an individual 1279
or entity may, at the individual or entity's discretion, make 1280

any additional information, documents, or reports available to 1281
the review committee. 1282

(B) Notwithstanding division (A) of this section, no 1283
person, entity, law enforcement agency, or prosecuting attorney 1284
shall provide any information regarding the death of a person to 1285
a drug overdose fatality review committee while an investigation 1286
of the death or prosecution of a person for causing the death is 1287
pending unless the prosecuting attorney has agreed pursuant to 1288
section 307.635 of the Revised Code to allow review of the 1289
death. 1290

Sec. 307.638. (A) An individual or public or private 1291
entity providing information, documents, or reports to a drug 1292
overdose fatality review committee is immune from any civil 1293
liability for injury, death, or loss to person or property that 1294
otherwise might be incurred or imposed as a result of providing 1295
the information, documents, or reports to the review committee. 1296

(B) Each member of a review committee is immune from any 1297
civil liability for injury, death, or loss to person or property 1298
that might otherwise be incurred or imposed as a result of the 1299
member's participation on the review committee. 1300

Sec. 307.639. Any information, document, or report 1301
presented to a drug overdose fatality review committee, all 1302
statements made by review committee members during meetings of 1303
the review committee, all work products of the review committee, 1304
and data submitted by the review committee to the department of 1305
health, other than the report prepared pursuant to section 1306
307.636 of the Revised Code, are confidential and shall be used 1307
by the review committee, its members, and the department of 1308
health only in the exercise of the proper functions of the 1309
review committee and the department. 1310

Sec. 340.038. A board of alcohol, drug addiction, and 1311
mental health services shall distribute all grant funds awarded 1312
under sections 5119.63, 5119.64, and 5119.65 of the Revised Code 1313
as directed by the department of mental health and addiction 1314
services. 1315

Sec. 3701.049. The department of health shall adopt rules 1316
in accordance with Chapter 119. of the Revised Code that 1317
establish a procedure for county or regional drug overdose 1318
fatality review committees to follow in conducting a review of 1319
an overdose death. 1320

The rules shall do all of the following: 1321

(A) Establish the format for the annual reports required 1322
by section 307.636 of the Revised Code; 1323

(B) Establish guidelines for a county or regional review 1324
committee to follow in compiling statistics for annual reports 1325
so that the reports do not contain any information that would 1326
permit any person's identity to be ascertained from a report; 1327

(C) Establish guidelines for a county or regional review 1328
committee to follow in creating and maintaining the 1329
comprehensive database of overdose deaths required by section 1330
307.633 of the Revised Code, including provisions establishing 1331
uniform record-keeping procedures; 1332

(D) Establish guidelines for reporting drug overdose 1333
fatality review data to the department of health, which must 1334
maintain the confidentiality of information that would permit a 1335
person's identity to be ascertained; 1336

(E) Establish guidelines, materials, and training to help 1337
educate members of county or regional review committees about 1338
the purpose of the review process and the confidentiality of the 1339

information described in section 307.639 of the Revised Code and 1340
to make them aware that such information is not a public record 1341
under section 149.43 of the Revised Code. 1342

Sec. 3705.161. (A) The department of health shall publish 1343
on its internet web site the number of deaths, delineated by 1344
county, for which it was determined during the preceding month 1345
that the known cause of death was drug overdose. The department 1346
shall update this information on a monthly basis using 1347
information submitted through the Ohio public health data 1348
warehouse. The department shall issue a press release each time 1349
a monthly update is completed. The press release shall include 1350
the most current hotline number for addiction treatment referral 1351
services administered by the department of mental health and 1352
addiction services or its representative. 1353

(B) The director of health may adopt rules the director 1354
considers necessary to implement this section. All rules adopted 1355
under this division shall be adopted in accordance with Chapter 1356
119. of the Revised Code. 1357

Sec. 4731.22. (A) The state medical board, by an 1358
affirmative vote of not fewer than six of its members, may 1359
limit, revoke, or suspend a license or certificate to practice 1360
or certificate to recommend, refuse to grant a license or 1361
certificate, refuse to renew a license or certificate, refuse to 1362
reinstate a license or certificate, or reprimand or place on 1363
probation the holder of a license or certificate if the 1364
individual applying for or holding the license or certificate is 1365
found by the board to have committed fraud during the 1366
administration of the examination for a license or certificate 1367
to practice or to have committed fraud, misrepresentation, or 1368
deception in applying for, renewing, or securing any license or 1369

certificate to practice or certificate to recommend issued by 1370
the board. 1371

(B) The board, by an affirmative vote of not fewer than 1372
six members, shall, to the extent permitted by law, limit, 1373
revoke, or suspend a license or certificate to practice or 1374
certificate to recommend, refuse to issue a license or 1375
certificate, refuse to renew a license or certificate, refuse to 1376
reinstate a license or certificate, or reprimand or place on 1377
probation the holder of a license or certificate for one or more 1378
of the following reasons: 1379

(1) Permitting one's name or one's license or certificate 1380
to practice to be used by a person, group, or corporation when 1381
the individual concerned is not actually directing the treatment 1382
given; 1383

(2) Failure to maintain minimal standards applicable to 1384
the selection or administration of drugs, or failure to employ 1385
acceptable scientific methods in the selection of drugs or other 1386
modalities for treatment of disease; 1387

(3) Except as provided in section 4731.97 of the Revised 1388
Code, selling, giving away, personally furnishing, prescribing, 1389
or administering drugs for other than legal and legitimate 1390
therapeutic purposes or a plea of guilty to, a judicial finding 1391
of guilt of, or a judicial finding of eligibility for 1392
intervention in lieu of conviction of, a violation of any 1393
federal or state law regulating the possession, distribution, or 1394
use of any drug; 1395

(4) Willfully betraying a professional confidence. 1396

For purposes of this division, "willfully betraying a 1397
professional confidence" does not include providing any 1398

information, documents, or reports under sections 307.621 to 1399
307.629 of the Revised Code to a child fatality review board; 1400
does not include providing any information, documents, or 1401
reports under sections 307.631 to 307.639 of the Revised Code to 1402
a drug overdose fatality review committee; does not include 1403
providing any information, documents, or reports to the director 1404
of health pursuant to guidelines established under section 1405
3701.70 of the Revised Code; does not include written notice to 1406
a mental health professional under section 4731.62 of the 1407
Revised Code; and does not include the making of a report of an 1408
employee's use of a drug of abuse, or a report of a condition of 1409
an employee other than one involving the use of a drug of abuse, 1410
to the employer of the employee as described in division (B) of 1411
section 2305.33 of the Revised Code. Nothing in this division 1412
affects the immunity from civil liability conferred by section 1413
2305.33 or 4731.62 of the Revised Code upon a physician who 1414
makes a report in accordance with section 2305.33 or notifies a 1415
mental health professional in accordance with section 4731.62 of 1416
the Revised Code. As used in this division, "employee," 1417
"employer," and "physician" have the same meanings as in section 1418
2305.33 of the Revised Code. 1419

(5) Making a false, fraudulent, deceptive, or misleading 1420
statement in the solicitation of or advertising for patients; in 1421
relation to the practice of medicine and surgery, osteopathic 1422
medicine and surgery, podiatric medicine and surgery, or a 1423
limited branch of medicine; or in securing or attempting to 1424
secure any license or certificate to practice issued by the 1425
board. 1426

As used in this division, "false, fraudulent, deceptive, 1427
or misleading statement" means a statement that includes a 1428
misrepresentation of fact, is likely to mislead or deceive 1429

because of a failure to disclose material facts, is intended or 1430
is likely to create false or unjustified expectations of 1431
favorable results, or includes representations or implications 1432
that in reasonable probability will cause an ordinarily prudent 1433
person to misunderstand or be deceived. 1434

(6) A departure from, or the failure to conform to, 1435
minimal standards of care of similar practitioners under the 1436
same or similar circumstances, whether or not actual injury to a 1437
patient is established; 1438

(7) Representing, with the purpose of obtaining 1439
compensation or other advantage as personal gain or for any 1440
other person, that an incurable disease or injury, or other 1441
incurable condition, can be permanently cured; 1442

(8) The obtaining of, or attempting to obtain, money or 1443
anything of value by fraudulent misrepresentations in the course 1444
of practice; 1445

(9) A plea of guilty to, a judicial finding of guilt of, 1446
or a judicial finding of eligibility for intervention in lieu of 1447
conviction for, a felony; 1448

(10) Commission of an act that constitutes a felony in 1449
this state, regardless of the jurisdiction in which the act was 1450
committed; 1451

(11) A plea of guilty to, a judicial finding of guilt of, 1452
or a judicial finding of eligibility for intervention in lieu of 1453
conviction for, a misdemeanor committed in the course of 1454
practice; 1455

(12) Commission of an act in the course of practice that 1456
constitutes a misdemeanor in this state, regardless of the 1457
jurisdiction in which the act was committed; 1458

(13) A plea of guilty to, a judicial finding of guilt of, 1459
or a judicial finding of eligibility for intervention in lieu of 1460
conviction for, a misdemeanor involving moral turpitude; 1461

(14) Commission of an act involving moral turpitude that 1462
constitutes a misdemeanor in this state, regardless of the 1463
jurisdiction in which the act was committed; 1464

(15) Violation of the conditions of limitation placed by 1465
the board upon a license or certificate to practice; 1466

(16) Failure to pay license renewal fees specified in this 1467
chapter; 1468

(17) Except as authorized in section 4731.31 of the 1469
Revised Code, engaging in the division of fees for referral of 1470
patients, or the receiving of a thing of value in return for a 1471
specific referral of a patient to utilize a particular service 1472
or business; 1473

(18) Subject to section 4731.226 of the Revised Code, 1474
violation of any provision of a code of ethics of the American 1475
medical association, the American osteopathic association, the 1476
American podiatric medical association, or any other national 1477
professional organizations that the board specifies by rule. The 1478
state medical board shall obtain and keep on file current copies 1479
of the codes of ethics of the various national professional 1480
organizations. The individual whose license or certificate is 1481
being suspended or revoked shall not be found to have violated 1482
any provision of a code of ethics of an organization not 1483
appropriate to the individual's profession. 1484

For purposes of this division, a "provision of a code of 1485
ethics of a national professional organization" does not include 1486
any provision that would preclude the making of a report by a 1487

physician of an employee's use of a drug of abuse, or of a 1488
condition of an employee other than one involving the use of a 1489
drug of abuse, to the employer of the employee as described in 1490
division (B) of section 2305.33 of the Revised Code. Nothing in 1491
this division affects the immunity from civil liability 1492
conferred by that section upon a physician who makes either type 1493
of report in accordance with division (B) of that section. As 1494
used in this division, "employee," "employer," and "physician" 1495
have the same meanings as in section 2305.33 of the Revised 1496
Code. 1497

(19) Inability to practice according to acceptable and 1498
prevailing standards of care by reason of mental illness or 1499
physical illness, including, but not limited to, physical 1500
deterioration that adversely affects cognitive, motor, or 1501
perceptive skills. 1502

In enforcing this division, the board, upon a showing of a 1503
possible violation, may compel any individual authorized to 1504
practice by this chapter or who has submitted an application 1505
pursuant to this chapter to submit to a mental examination, 1506
physical examination, including an HIV test, or both a mental 1507
and a physical examination. The expense of the examination is 1508
the responsibility of the individual compelled to be examined. 1509
Failure to submit to a mental or physical examination or consent 1510
to an HIV test ordered by the board constitutes an admission of 1511
the allegations against the individual unless the failure is due 1512
to circumstances beyond the individual's control, and a default 1513
and final order may be entered without the taking of testimony 1514
or presentation of evidence. If the board finds an individual 1515
unable to practice because of the reasons set forth in this 1516
division, the board shall require the individual to submit to 1517
care, counseling, or treatment by physicians approved or 1518

designated by the board, as a condition for initial, continued, 1519
reinstated, or renewed authority to practice. An individual 1520
affected under this division shall be afforded an opportunity to 1521
demonstrate to the board the ability to resume practice in 1522
compliance with acceptable and prevailing standards under the 1523
provisions of the individual's license or certificate. For the 1524
purpose of this division, any individual who applies for or 1525
receives a license or certificate to practice under this chapter 1526
accepts the privilege of practicing in this state and, by so 1527
doing, shall be deemed to have given consent to submit to a 1528
mental or physical examination when directed to do so in writing 1529
by the board, and to have waived all objections to the 1530
admissibility of testimony or examination reports that 1531
constitute a privileged communication. 1532

(20) Except as provided in division (F)(1)(b) of section 1533
4731.282 of the Revised Code or when civil penalties are imposed 1534
under section 4731.225 of the Revised Code, and subject to 1535
section 4731.226 of the Revised Code, violating or attempting to 1536
violate, directly or indirectly, or assisting in or abetting the 1537
violation of, or conspiring to violate, any provisions of this 1538
chapter or any rule promulgated by the board. 1539

This division does not apply to a violation or attempted 1540
violation of, assisting in or abetting the violation of, or a 1541
conspiracy to violate, any provision of this chapter or any rule 1542
adopted by the board that would preclude the making of a report 1543
by a physician of an employee's use of a drug of abuse, or of a 1544
condition of an employee other than one involving the use of a 1545
drug of abuse, to the employer of the employee as described in 1546
division (B) of section 2305.33 of the Revised Code. Nothing in 1547
this division affects the immunity from civil liability 1548
conferred by that section upon a physician who makes either type 1549

of report in accordance with division (B) of that section. As 1550
used in this division, "employee," "employer," and "physician" 1551
have the same meanings as in section 2305.33 of the Revised 1552
Code. 1553

(21) The violation of section 3701.79 of the Revised Code 1554
or of any abortion rule adopted by the director of health 1555
pursuant to section 3701.341 of the Revised Code; 1556

(22) Any of the following actions taken by an agency 1557
responsible for authorizing, certifying, or regulating an 1558
individual to practice a health care occupation or provide 1559
health care services in this state or another jurisdiction, for 1560
any reason other than the nonpayment of fees: the limitation, 1561
revocation, or suspension of an individual's license to 1562
practice; acceptance of an individual's license surrender; 1563
denial of a license; refusal to renew or reinstate a license; 1564
imposition of probation; or issuance of an order of censure or 1565
other reprimand; 1566

(23) The violation of section 2919.12 of the Revised Code 1567
or the performance or inducement of an abortion upon a pregnant 1568
woman with actual knowledge that the conditions specified in 1569
division (B) of section 2317.56 of the Revised Code have not 1570
been satisfied or with a heedless indifference as to whether 1571
those conditions have been satisfied, unless an affirmative 1572
defense as specified in division (H)(2) of that section would 1573
apply in a civil action authorized by division (H)(1) of that 1574
section; 1575

(24) The revocation, suspension, restriction, reduction, 1576
or termination of clinical privileges by the United States 1577
department of defense or department of veterans affairs or the 1578
termination or suspension of a certificate of registration to 1579

prescribe drugs by the drug enforcement administration of the 1580
United States department of justice; 1581

(25) Termination or suspension from participation in the 1582
medicare or medicaid programs by the department of health and 1583
human services or other responsible agency for any act or acts 1584
that also would constitute a violation of division (B) (2), (3), 1585
(6), (8), or (19) of this section; 1586

(26) Impairment of ability to practice according to 1587
acceptable and prevailing standards of care because of habitual 1588
or excessive use or abuse of drugs, alcohol, or other substances 1589
that impair ability to practice. 1590

For the purposes of this division, any individual 1591
authorized to practice by this chapter accepts the privilege of 1592
practicing in this state subject to supervision by the board. By 1593
filing an application for or holding a license or certificate to 1594
practice under this chapter, an individual shall be deemed to 1595
have given consent to submit to a mental or physical examination 1596
when ordered to do so by the board in writing, and to have 1597
waived all objections to the admissibility of testimony or 1598
examination reports that constitute privileged communications. 1599

If it has reason to believe that any individual authorized 1600
to practice by this chapter or any applicant for licensure or 1601
certification to practice suffers such impairment, the board may 1602
compel the individual to submit to a mental or physical 1603
examination, or both. The expense of the examination is the 1604
responsibility of the individual compelled to be examined. Any 1605
mental or physical examination required under this division 1606
shall be undertaken by a treatment provider or physician who is 1607
qualified to conduct the examination and who is chosen by the 1608
board. 1609

Failure to submit to a mental or physical examination 1610
ordered by the board constitutes an admission of the allegations 1611
against the individual unless the failure is due to 1612
circumstances beyond the individual's control, and a default and 1613
final order may be entered without the taking of testimony or 1614
presentation of evidence. If the board determines that the 1615
individual's ability to practice is impaired, the board shall 1616
suspend the individual's license or certificate or deny the 1617
individual's application and shall require the individual, as a 1618
condition for initial, continued, reinstated, or renewed 1619
licensure or certification to practice, to submit to treatment. 1620

Before being eligible to apply for reinstatement of a 1621
license or certificate suspended under this division, the 1622
impaired practitioner shall demonstrate to the board the ability 1623
to resume practice in compliance with acceptable and prevailing 1624
standards of care under the provisions of the practitioner's 1625
license or certificate. The demonstration shall include, but 1626
shall not be limited to, the following: 1627

(a) Certification from a treatment provider approved under 1628
section 4731.25 of the Revised Code that the individual has 1629
successfully completed any required inpatient treatment; 1630

(b) Evidence of continuing full compliance with an 1631
aftercare contract or consent agreement; 1632

(c) Two written reports indicating that the individual's 1633
ability to practice has been assessed and that the individual 1634
has been found capable of practicing according to acceptable and 1635
prevailing standards of care. The reports shall be made by 1636
individuals or providers approved by the board for making the 1637
assessments and shall describe the basis for their 1638
determination. 1639

The board may reinstate a license or certificate suspended 1640
under this division after that demonstration and after the 1641
individual has entered into a written consent agreement. 1642

When the impaired practitioner resumes practice, the board 1643
shall require continued monitoring of the individual. The 1644
monitoring shall include, but not be limited to, compliance with 1645
the written consent agreement entered into before reinstatement 1646
or with conditions imposed by board order after a hearing, and, 1647
upon termination of the consent agreement, submission to the 1648
board for at least two years of annual written progress reports 1649
made under penalty of perjury stating whether the individual has 1650
maintained sobriety. 1651

(27) A second or subsequent violation of section 4731.66 1652
or 4731.69 of the Revised Code; 1653

(28) Except as provided in division (N) of this section: 1654

(a) Waiving the payment of all or any part of a deductible 1655
or copayment that a patient, pursuant to a health insurance or 1656
health care policy, contract, or plan that covers the 1657
individual's services, otherwise would be required to pay if the 1658
waiver is used as an enticement to a patient or group of 1659
patients to receive health care services from that individual; 1660

(b) Advertising that the individual will waive the payment 1661
of all or any part of a deductible or copayment that a patient, 1662
pursuant to a health insurance or health care policy, contract, 1663
or plan that covers the individual's services, otherwise would 1664
be required to pay. 1665

(29) Failure to use universal blood and body fluid 1666
precautions established by rules adopted under section 4731.051 1667
of the Revised Code; 1668

(30) Failure to provide notice to, and receive 1669
acknowledgment of the notice from, a patient when required by 1670
section 4731.143 of the Revised Code prior to providing 1671
nonemergency professional services, or failure to maintain that 1672
notice in the patient's medical record; 1673

(31) Failure of a physician supervising a physician 1674
assistant to maintain supervision in accordance with the 1675
requirements of Chapter 4730. of the Revised Code and the rules 1676
adopted under that chapter; 1677

(32) Failure of a physician or podiatrist to enter into a 1678
standard care arrangement with a clinical nurse specialist, 1679
certified nurse-midwife, or certified nurse practitioner with 1680
whom the physician or podiatrist is in collaboration pursuant to 1681
section 4731.27 of the Revised Code or failure to fulfill the 1682
responsibilities of collaboration after entering into a standard 1683
care arrangement; 1684

(33) Failure to comply with the terms of a consult 1685
agreement entered into with a pharmacist pursuant to section 1686
4729.39 of the Revised Code; 1687

(34) Failure to cooperate in an investigation conducted by 1688
the board under division (F) of this section, including failure 1689
to comply with a subpoena or order issued by the board or 1690
failure to answer truthfully a question presented by the board 1691
in an investigative interview, an investigative office 1692
conference, at a deposition, or in written interrogatories, 1693
except that failure to cooperate with an investigation shall not 1694
constitute grounds for discipline under this section if a court 1695
of competent jurisdiction has issued an order that either 1696
quashes a subpoena or permits the individual to withhold the 1697
testimony or evidence in issue; 1698

(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	1699 1700 1701 1702
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	1703 1704 1705
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	1706 1707
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	1708 1709
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	1710 1711 1712
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	1713 1714 1715 1716
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	1717 1718 1719 1720
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	1721 1722 1723 1724
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board	1725 1726

of pharmacy no longer maintains a drug database pursuant to 1727
section 4729.75 of the Revised Code; 1728

(44) Failure to comply with the requirements of section 1729
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 1730
to submit to the department of health in accordance with a court 1731
order a complete report as described in section 2919.171 or 1732
2919.202 of the Revised Code; 1733

(45) Practicing at a facility that is subject to licensure 1734
as a category III terminal distributor of dangerous drugs with a 1735
pain management clinic classification unless the person 1736
operating the facility has obtained and maintains the license 1737
with the classification; 1738

(46) Owning a facility that is subject to licensure as a 1739
category III terminal distributor of dangerous drugs with a pain 1740
management clinic classification unless the facility is licensed 1741
with the classification; 1742

(47) Failure to comply with the requirement regarding 1743
maintaining notes described in division (B) of section 2919.191 1744
of the Revised Code or failure to satisfy the requirements of 1745
section 2919.191 of the Revised Code prior to performing or 1746
inducing an abortion upon a pregnant woman; 1747

(48) Failure to comply with the requirements in section 1748
3719.061 of the Revised Code before issuing for a minor a 1749
prescription for an opioid analgesic, as defined in section 1750
3719.01 of the Revised Code; 1751

(49) Failure to comply with the requirements of section 1752
4731.30 of the Revised Code or rules adopted under section 1753
4731.301 of the Revised Code when recommending treatment with 1754
medical marijuana; 1755

(50) Practicing at a facility, clinic, or other location 1756
that is subject to licensure as a category III terminal 1757
distributor of dangerous drugs with an office-based opioid 1758
treatment classification unless the person operating that place 1759
has obtained and maintains the license with the classification; 1760

(51) Owning a facility, clinic, or other location that is 1761
subject to licensure as a category III terminal distributor of 1762
dangerous drugs with an office-based opioid treatment 1763
classification unless that place is licensed with the 1764
classification. 1765

(C) Disciplinary actions taken by the board under 1766
divisions (A) and (B) of this section shall be taken pursuant to 1767
an adjudication under Chapter 119. of the Revised Code, except 1768
that in lieu of an adjudication, the board may enter into a 1769
consent agreement with an individual to resolve an allegation of 1770
a violation of this chapter or any rule adopted under it. A 1771
consent agreement, when ratified by an affirmative vote of not 1772
fewer than six members of the board, shall constitute the 1773
findings and order of the board with respect to the matter 1774
addressed in the agreement. If the board refuses to ratify a 1775
consent agreement, the admissions and findings contained in the 1776
consent agreement shall be of no force or effect. 1777

A telephone conference call may be utilized for 1778
ratification of a consent agreement that revokes or suspends an 1779
individual's license or certificate to practice or certificate 1780
to recommend. The telephone conference call shall be considered 1781
a special meeting under division (F) of section 121.22 of the 1782
Revised Code. 1783

If the board takes disciplinary action against an 1784
individual under division (B) of this section for a second or 1785

subsequent plea of guilty to, or judicial finding of guilt of, a 1786
violation of section 2919.123 of the Revised Code, the 1787
disciplinary action shall consist of a suspension of the 1788
individual's license or certificate to practice for a period of 1789
at least one year or, if determined appropriate by the board, a 1790
more serious sanction involving the individual's license or 1791
certificate to practice. Any consent agreement entered into 1792
under this division with an individual that pertains to a second 1793
or subsequent plea of guilty to, or judicial finding of guilt 1794
of, a violation of that section shall provide for a suspension 1795
of the individual's license or certificate to practice for a 1796
period of at least one year or, if determined appropriate by the 1797
board, a more serious sanction involving the individual's 1798
license or certificate to practice. 1799

(D) For purposes of divisions (B) (10), (12), and (14) of 1800
this section, the commission of the act may be established by a 1801
finding by the board, pursuant to an adjudication under Chapter 1802
119. of the Revised Code, that the individual committed the act. 1803
The board does not have jurisdiction under those divisions if 1804
the trial court renders a final judgment in the individual's 1805
favor and that judgment is based upon an adjudication on the 1806
merits. The board has jurisdiction under those divisions if the 1807
trial court issues an order of dismissal upon technical or 1808
procedural grounds. 1809

(E) The sealing of conviction records by any court shall 1810
have no effect upon a prior board order entered under this 1811
section or upon the board's jurisdiction to take action under 1812
this section if, based upon a plea of guilty, a judicial finding 1813
of guilt, or a judicial finding of eligibility for intervention 1814
in lieu of conviction, the board issued a notice of opportunity 1815
for a hearing prior to the court's order to seal the records. 1816

The board shall not be required to seal, destroy, redact, or 1817
otherwise modify its records to reflect the court's sealing of 1818
conviction records. 1819

(F) (1) The board shall investigate evidence that appears 1820
to show that a person has violated any provision of this chapter 1821
or any rule adopted under it. Any person may report to the board 1822
in a signed writing any information that the person may have 1823
that appears to show a violation of any provision of this 1824
chapter or any rule adopted under it. In the absence of bad 1825
faith, any person who reports information of that nature or who 1826
testifies before the board in any adjudication conducted under 1827
Chapter 119. of the Revised Code shall not be liable in damages 1828
in a civil action as a result of the report or testimony. Each 1829
complaint or allegation of a violation received by the board 1830
shall be assigned a case number and shall be recorded by the 1831
board. 1832

(2) Investigations of alleged violations of this chapter 1833
or any rule adopted under it shall be supervised by the 1834
supervising member elected by the board in accordance with 1835
section 4731.02 of the Revised Code and by the secretary as 1836
provided in section 4731.39 of the Revised Code. The president 1837
may designate another member of the board to supervise the 1838
investigation in place of the supervising member. No member of 1839
the board who supervises the investigation of a case shall 1840
participate in further adjudication of the case. 1841

(3) In investigating a possible violation of this chapter 1842
or any rule adopted under this chapter, or in conducting an 1843
inspection under division (E) of section 4731.054 of the Revised 1844
Code, the board may question witnesses, conduct interviews, 1845
administer oaths, order the taking of depositions, inspect and 1846

copy any books, accounts, papers, records, or documents, issue 1847
subpoenas, and compel the attendance of witnesses and production 1848
of books, accounts, papers, records, documents, and testimony, 1849
except that a subpoena for patient record information shall not 1850
be issued without consultation with the attorney general's 1851
office and approval of the secretary and supervising member of 1852
the board. 1853

(a) Before issuance of a subpoena for patient record 1854
information, the secretary and supervising member shall 1855
determine whether there is probable cause to believe that the 1856
complaint filed alleges a violation of this chapter or any rule 1857
adopted under it and that the records sought are relevant to the 1858
alleged violation and material to the investigation. The 1859
subpoena may apply only to records that cover a reasonable 1860
period of time surrounding the alleged violation. 1861

(b) On failure to comply with any subpoena issued by the 1862
board and after reasonable notice to the person being 1863
subpoenaed, the board may move for an order compelling the 1864
production of persons or records pursuant to the Rules of Civil 1865
Procedure. 1866

(c) A subpoena issued by the board may be served by a 1867
sheriff, the sheriff's deputy, or a board employee designated by 1868
the board. Service of a subpoena issued by the board may be made 1869
by delivering a copy of the subpoena to the person named 1870
therein, reading it to the person, or leaving it at the person's 1871
usual place of residence, usual place of business, or address on 1872
file with the board. When serving a subpoena to an applicant for 1873
or the holder of a license or certificate issued under this 1874
chapter, service of the subpoena may be made by certified mail, 1875
return receipt requested, and the subpoena shall be deemed 1876

served on the date delivery is made or the date the person 1877
refuses to accept delivery. If the person being served refuses 1878
to accept the subpoena or is not located, service may be made to 1879
an attorney who notifies the board that the attorney is 1880
representing the person. 1881

(d) A sheriff's deputy who serves a subpoena shall receive 1882
the same fees as a sheriff. Each witness who appears before the 1883
board in obedience to a subpoena shall receive the fees and 1884
mileage provided for under section 119.094 of the Revised Code. 1885

(4) All hearings, investigations, and inspections of the 1886
board shall be considered civil actions for the purposes of 1887
section 2305.252 of the Revised Code. 1888

(5) A report required to be submitted to the board under 1889
this chapter, a complaint, or information received by the board 1890
pursuant to an investigation or pursuant to an inspection under 1891
division (E) of section 4731.054 of the Revised Code is 1892
confidential and not subject to discovery in any civil action. 1893

The board shall conduct all investigations or inspections 1894
and proceedings in a manner that protects the confidentiality of 1895
patients and persons who file complaints with the board. The 1896
board shall not make public the names or any other identifying 1897
information about patients or complainants unless proper consent 1898
is given or, in the case of a patient, a waiver of the patient 1899
privilege exists under division (B) of section 2317.02 of the 1900
Revised Code, except that consent or a waiver of that nature is 1901
not required if the board possesses reliable and substantial 1902
evidence that no bona fide physician-patient relationship 1903
exists. 1904

The board may share any information it receives pursuant 1905

to an investigation or inspection, including patient records and 1906
patient record information, with law enforcement agencies, other 1907
licensing boards, and other governmental agencies that are 1908
prosecuting, adjudicating, or investigating alleged violations 1909
of statutes or administrative rules. An agency or board that 1910
receives the information shall comply with the same requirements 1911
regarding confidentiality as those with which the state medical 1912
board must comply, notwithstanding any conflicting provision of 1913
the Revised Code or procedure of the agency or board that 1914
applies when it is dealing with other information in its 1915
possession. In a judicial proceeding, the information may be 1916
admitted into evidence only in accordance with the Rules of 1917
Evidence, but the court shall require that appropriate measures 1918
are taken to ensure that confidentiality is maintained with 1919
respect to any part of the information that contains names or 1920
other identifying information about patients or complainants 1921
whose confidentiality was protected by the state medical board 1922
when the information was in the board's possession. Measures to 1923
ensure confidentiality that may be taken by the court include 1924
sealing its records or deleting specific information from its 1925
records. 1926

(6) On a quarterly basis, the board shall prepare a report 1927
that documents the disposition of all cases during the preceding 1928
three months. The report shall contain the following information 1929
for each case with which the board has completed its activities: 1930

(a) The case number assigned to the complaint or alleged 1931
violation; 1932

(b) The type of license or certificate to practice, if 1933
any, held by the individual against whom the complaint is 1934
directed; 1935

(c) A description of the allegations contained in the complaint;	1936 1937
(d) The disposition of the case.	1938
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	1939 1940 1941 1942
(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:	1943 1944 1945 1946
(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;	1947 1948
(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.	1949 1950
Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.	1951 1952 1953 1954 1955 1956 1957
The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen	1958 1959 1960 1961 1962 1963 1964

days, but not earlier than seven days, after the individual 1965
requests the hearing, unless otherwise agreed to by both the 1966
board and the individual. 1967

Any summary suspension imposed under this division shall 1968
remain in effect, unless reversed on appeal, until a final 1969
adjudicative order issued by the board pursuant to this section 1970
and Chapter 119. of the Revised Code becomes effective. The 1971
board shall issue its final adjudicative order within seventy- 1972
five days after completion of its hearing. A failure to issue 1973
the order within seventy-five days shall result in dissolution 1974
of the summary suspension order but shall not invalidate any 1975
subsequent, final adjudicative order. 1976

(H) If the board takes action under division (B) (9), (11), 1977
or (13) of this section and the judicial finding of guilt, 1978
guilty plea, or judicial finding of eligibility for intervention 1979
in lieu of conviction is overturned on appeal, upon exhaustion 1980
of the criminal appeal, a petition for reconsideration of the 1981
order may be filed with the board along with appropriate court 1982
documents. Upon receipt of a petition of that nature and 1983
supporting court documents, the board shall reinstate the 1984
individual's license or certificate to practice. The board may 1985
then hold an adjudication under Chapter 119. of the Revised Code 1986
to determine whether the individual committed the act in 1987
question. Notice of an opportunity for a hearing shall be given 1988
in accordance with Chapter 119. of the Revised Code. If the 1989
board finds, pursuant to an adjudication held under this 1990
division, that the individual committed the act or if no hearing 1991
is requested, the board may order any of the sanctions 1992
identified under division (B) of this section. 1993

(I) The license or certificate to practice issued to an 1994

individual under this chapter and the individual's practice in 1995
this state are automatically suspended as of the date of the 1996
individual's second or subsequent plea of guilty to, or judicial 1997
finding of guilt of, a violation of section 2919.123 of the 1998
Revised Code. In addition, the license or certificate to 1999
practice or certificate to recommend issued to an individual 2000
under this chapter and the individual's practice in this state 2001
are automatically suspended as of the date the individual pleads 2002
guilty to, is found by a judge or jury to be guilty of, or is 2003
subject to a judicial finding of eligibility for intervention in 2004
lieu of conviction in this state or treatment or intervention in 2005
lieu of conviction in another jurisdiction for any of the 2006
following criminal offenses in this state or a substantially 2007
equivalent criminal offense in another jurisdiction: aggravated 2008
murder, murder, voluntary manslaughter, felonious assault, 2009
kidnapping, rape, sexual battery, gross sexual imposition, 2010
aggravated arson, aggravated robbery, or aggravated burglary. 2011
Continued practice after suspension shall be considered 2012
practicing without a license or certificate. 2013

The board shall notify the individual subject to the 2014
suspension by certified mail or in person in accordance with 2015
section 119.07 of the Revised Code. If an individual whose 2016
license or certificate is automatically suspended under this 2017
division fails to make a timely request for an adjudication 2018
under Chapter 119. of the Revised Code, the board shall do 2019
whichever of the following is applicable: 2020

(1) If the automatic suspension under this division is for 2021
a second or subsequent plea of guilty to, or judicial finding of 2022
guilt of, a violation of section 2919.123 of the Revised Code, 2023
the board shall enter an order suspending the individual's 2024
license or certificate to practice for a period of at least one 2025

year or, if determined appropriate by the board, imposing a more 2026
serious sanction involving the individual's license or 2027
certificate to practice. 2028

(2) In all circumstances in which division (I)(1) of this 2029
section does not apply, enter a final order permanently revoking 2030
the individual's license or certificate to practice. 2031

(J) If the board is required by Chapter 119. of the 2032
Revised Code to give notice of an opportunity for a hearing and 2033
if the individual subject to the notice does not timely request 2034
a hearing in accordance with section 119.07 of the Revised Code, 2035
the board is not required to hold a hearing, but may adopt, by 2036
an affirmative vote of not fewer than six of its members, a 2037
final order that contains the board's findings. In that final 2038
order, the board may order any of the sanctions identified under 2039
division (A) or (B) of this section. 2040

(K) Any action taken by the board under division (B) of 2041
this section resulting in a suspension from practice shall be 2042
accompanied by a written statement of the conditions under which 2043
the individual's license or certificate to practice may be 2044
reinstated. The board shall adopt rules governing conditions to 2045
be imposed for reinstatement. Reinstatement of a license or 2046
certificate suspended pursuant to division (B) of this section 2047
requires an affirmative vote of not fewer than six members of 2048
the board. 2049

(L) When the board refuses to grant or issue a license or 2050
certificate to practice to an applicant, revokes an individual's 2051
license or certificate to practice, refuses to renew an 2052
individual's license or certificate to practice, or refuses to 2053
reinstate an individual's license or certificate to practice, 2054
the board may specify that its action is permanent. An 2055

individual subject to a permanent action taken by the board is 2056
forever thereafter ineligible to hold a license or certificate 2057
to practice and the board shall not accept an application for 2058
reinstatement of the license or certificate or for issuance of a 2059
new license or certificate. 2060

(M) Notwithstanding any other provision of the Revised 2061
Code, all of the following apply: 2062

(1) The surrender of a license or certificate issued under 2063
this chapter shall not be effective unless or until accepted by 2064
the board. A telephone conference call may be utilized for 2065
acceptance of the surrender of an individual's license or 2066
certificate to practice. The telephone conference call shall be 2067
considered a special meeting under division (F) of section 2068
121.22 of the Revised Code. Reinstatement of a license or 2069
certificate surrendered to the board requires an affirmative 2070
vote of not fewer than six members of the board. 2071

(2) An application for a license or certificate made under 2072
the provisions of this chapter may not be withdrawn without 2073
approval of the board. 2074

(3) Failure by an individual to renew a license or 2075
certificate to practice in accordance with this chapter or a 2076
certificate to recommend in accordance with rules adopted under 2077
section 4731.301 of the Revised Code shall not remove or limit 2078
the board's jurisdiction to take any disciplinary action under 2079
this section against the individual. 2080

(4) At the request of the board, a license or certificate 2081
holder shall immediately surrender to the board a license or 2082
certificate that the board has suspended, revoked, or 2083
permanently revoked. 2084

(N) Sanctions shall not be imposed under division (B) (28) 2085
of this section against any person who waives deductibles and 2086
copayments as follows: 2087

(1) In compliance with the health benefit plan that 2088
expressly allows such a practice. Waiver of the deductibles or 2089
copayments shall be made only with the full knowledge and 2090
consent of the plan purchaser, payer, and third-party 2091
administrator. Documentation of the consent shall be made 2092
available to the board upon request. 2093

(2) For professional services rendered to any other person 2094
authorized to practice pursuant to this chapter, to the extent 2095
allowed by this chapter and rules adopted by the board. 2096

(O) Under the board's investigative duties described in 2097
this section and subject to division (F) of this section, the 2098
board shall develop and implement a quality intervention program 2099
designed to improve through remedial education the clinical and 2100
communication skills of individuals authorized under this 2101
chapter to practice medicine and surgery, osteopathic medicine 2102
and surgery, and podiatric medicine and surgery. In developing 2103
and implementing the quality intervention program, the board may 2104
do all of the following: 2105

(1) Offer in appropriate cases as determined by the board 2106
an educational and assessment program pursuant to an 2107
investigation the board conducts under this section; 2108

(2) Select providers of educational and assessment 2109
services, including a quality intervention program panel of case 2110
reviewers; 2111

(3) Make referrals to educational and assessment service 2112
providers and approve individual educational programs 2113

recommended by those providers. The board shall monitor the 2114
progress of each individual undertaking a recommended individual 2115
educational program. 2116

(4) Determine what constitutes successful completion of an 2117
individual educational program and require further monitoring of 2118
the individual who completed the program or other action that 2119
the board determines to be appropriate; 2120

(5) Adopt rules in accordance with Chapter 119. of the 2121
Revised Code to further implement the quality intervention 2122
program. 2123

An individual who participates in an individual 2124
educational program pursuant to this division shall pay the 2125
financial obligations arising from that educational program. 2126

Sec. 5119.63. (A) There is hereby created the community 2127
and faith-based substance abuse curricula grant program. The 2128
department of mental health and addiction services shall 2129
administer the program. 2130

(B) Under the program, the department shall award grants 2131
to one or more nonprofit community or faith-based entities that 2132
administer programs intended to support individuals in avoiding 2133
abuse of or overcoming addiction to one or more substances and 2134
that use curricula materials to achieve this intended purpose. 2135
The curricula materials that are used may be faith-based in 2136
nature. The department shall create a grant application for the 2137
program and develop a process for receiving and evaluating 2138
completed grant applications on a competitive basis. The grant 2139
application shall require an applicant to do both of the 2140
following: 2141

(1) Specify which of the following the department must 2142

consult with to obtain input about the entity's success with 2143
supporting individuals in avoiding abuse of or overcoming 2144
addiction to one or more substances: a judge or magistrate from 2145
the drug court or other court that considers drug-related 2146
prosecutions in the same jurisdiction as the entity, that 2147
jurisdiction's chief police officer or the officer's delegate, 2148
the attorney general, or any combination of the foregoing; 2149

(2) Include a "letter of input" from the board of alcohol, 2150
drug addiction, and mental health services having jurisdiction 2151
over the entity. The letter shall convey the board's position on 2152
the entity's perceived ability to successfully use the grant for 2153
its intended purpose. 2154

The department shall give all of this input significant 2155
weight when making a final determination regarding a grant 2156
award, although the department's decision is final. 2157

(C) The department shall select initial grant recipients 2158
not later than nine months after the effective date of this 2159
section. The department may award a grant to an applicant from 2160
outside this state if the applicant has attested in the 2161
application that the amount received will be used only to 2162
purchase curricula materials for residents of this state. 2163

(D) The department shall disburse the grant funds to each 2164
appropriate board of alcohol, drug addiction, and mental health 2165
services, which shall then distribute the grant funds to each 2166
entity in its jurisdiction that is awarded a grant. 2167

Sec. 5119.64. (A) There is hereby created the community 2168
and faith-based substance abuse transportation assistance grant 2169
program. The department of mental health and addiction services 2170
shall administer the program. 2171

(B) Under the program, the department shall award grants to one or more nonprofit community or faith-based entities that administer programs intended to support individuals in avoiding abuse of or overcoming addiction to one or more substances. 2172
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(C) An entity that is awarded a grant may use the amount received only to defray the cost of providing participants in its program with transportation services to program meetings or activities or to reimburse participants for the costs they incur in traveling to program meetings or activities. 2176
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(D) The department shall create a grant application for the program and develop a process for receiving and evaluating completed grant applications on a competitive basis. The grant application shall require an applicant to do both of the following: 2181
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(1) Specify which of the following the department must consult with to obtain input about the entity's success with supporting individuals in avoiding abuse of or overcoming addiction to one or more substances: a judge or magistrate from the drug court or other court that considers drug-related prosecutions in the same jurisdiction as the entity, that jurisdiction's chief police officer or the officer's delegate, the attorney general, or any combination of the foregoing; 2186
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(2) Include a "letter of input" from the board of alcohol, drug addiction, and mental health services having jurisdiction over the entity. The letter shall convey the board's position on the entity's perceived ability to successfully use the grant for its intended purpose. 2194
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The department shall give all of this input significant weight when making a final determination regarding a grant 2199
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award, although the department's decision is final. 2201

(E) The department shall select initial grant recipients 2202
not later than nine months after the effective date of this 2203
section. The department may award a grant to an applicant from 2204
outside this state if the applicant has attested in the 2205
application that the amount received will be used only to defray 2206
transportation costs involving residents of this state. 2207

(F) The department shall disburse the grant funds to each 2208
appropriate board of alcohol, drug addiction, and mental health 2209
services, which shall then distribute the grant funds to each 2210
entity in its jurisdiction that is awarded a grant. 2211

Sec. 5119.65. (A) There is hereby created the community 2212
and faith-based substance abuse rehabilitation facility grant 2213
program. The department of mental health and addiction services 2214
shall administer the program. 2215

(B) Under the program, the department shall award grants 2216
to one or more nonprofit community or faith-based entities that 2217
meet all of the following criteria: 2218

(1) Have been operating for at least three years 2219
immediately prior to the date the entity submits the grant 2220
application to the department; 2221

(2) Are able to demonstrate success with supporting 2222
individuals, including those who participate in drug court or 2223
are incarcerated, in avoiding abuse of or overcoming addiction 2224
to one or more substances using community or faith-based 2225
programming; 2226

(3) Are able to demonstrate that they have received 2227
community support for their programming, including financial 2228
support; 2229

(4) Have been endorsed by at least three judges or police 2230
officers in a community intended to benefit from a grant. 2231

(C) An entity that is awarded a grant may use the amount 2232
received only to open and operate one or more facilities at 2233
which drug addiction services, certified by the department under 2234
section 5119.36 of the Revised Code, are provided. The entity 2235
must ensure that all such facilities are located in or not more 2236
than ten miles from a community that has historically had a high 2237
incidence of accidental death by opioid overdose. 2238

(D) The department shall create a grant application for 2239
the program and develop a process for receiving and evaluating 2240
completed grant applications on a competitive basis. The grant 2241
application shall require an applicant to provide evidence of 2242
meeting the criteria specified in division (B) of this section. 2243
The grant application shall also require the applicant to 2244
include a "letter of input" from the board of alcohol, drug 2245
addiction, and mental health services having jurisdiction over 2246
the entity. The letter shall convey the board's position on the 2247
entity's perceived ability to successfully use the grant for its 2248
intended purpose. The department shall give significant weight 2249
to the quality of the evidence it receives, as well as the 2250
board's input, when making a final determination regarding a 2251
grant award. The department's decision regarding a grant award 2252
is final. 2253

(E) The department shall select initial grant recipients 2254
not later than nine months after the effective date of this 2255
section. The department may award a grant to an applicant from 2256
outside this state if the applicant has attested in the 2257
application that the amount received will be used only to serve 2258
residents of this state. 2259

(F) The department shall disburse the grant funds to each 2260
appropriate board of alcohol, drug addiction, and mental health 2261
services, which shall then distribute the grant funds to each 2262
entity in its jurisdiction that is awarded a grant. 2263

(G) The department shall not transfer any funds 2264
appropriated to it for this program to other programs or 2265
services administered by the department. 2266

Section 2. That existing sections 121.22, 149.43, and 2267
4731.22 of the Revised Code are hereby repealed. 2268

Section 3. The Department of Mental Health and Addiction 2269
Services shall expend \$50,000 in fiscal year 2019 for the 2270
Community and Faith-Based Substance Abuse Curricula Grant 2271
Program established by section 5119.63 of the Revised Code. The 2272
Department shall also expend \$50,000 in fiscal year 2019 for the 2273
Community and Faith-Based Substance Abuse Transportation 2274
Assistance Grant Program established in section 5119.64 of the 2275
Revised Code. The Department shall use any available 2276
appropriations contained in Am. Sub. H.B. 49 of the 132nd 2277
General Assembly as the source of funding for these two 2278
programs. The Department shall disburse any grant funds awarded 2279
under these programs to the appropriate board of alcohol, drug 2280
addiction, and mental health services, which shall then 2281
distribute the funds to each entity in its jurisdiction awarded 2282
a grant. 2283

Section 4. All items in this section are hereby 2284
appropriated as designated out of any moneys in the state 2285
treasury to the credit of the designated fund. For all 2286
appropriations made in this act, those in the first column are 2287
for fiscal year 2018 and those in the second column are for 2288
fiscal year 2019. The appropriations made in this act are in 2289

addition to any other appropriations made for the FY 2018-FY	2290
2019 biennium.	2291
MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES	2292
General Revenue Fund	2293
GRF 336421 Continuum of Care \$ 0 \$ 1,000,000	2294
Services	2295
TOTAL GRF General Revenue Fund \$ 0 \$ 1,000,000	2296
TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 1,000,000	2297
CONTINUUM OF CARE SERVICES	2298
The foregoing appropriation item 336421, Continuum of Care	2299
Services, shall be used for the Community and Faith-Based	2300
Substance Abuse Rehabilitation Facility Grant Program	2301
established in section 5119.65 of the Revised Code. The	2302
Department shall disburse any grant funds awarded under the	2303
program to the appropriate board of alcohol, drug addiction, and	2304
mental health services, which shall then distribute the funds to	2305
each entity in its jurisdiction awarded a grant.	2306
Section 5. Within the limits set forth in this act, the	2307
Director of Budget and Management shall establish accounts	2308
indicating the source and amount of funds for each appropriation	2309
made in this act, and shall determine the form and manner in	2310
which appropriation accounts shall be maintained. Expenditures	2311
from appropriations contained in this act shall be accounted for	2312
as though made in Am. Sub. H.B. 49 of the 132nd General	2313
Assembly.	2314
The appropriations made in this act are subject to all	2315
provisions of Am. Sub. H.B. 49 of the 132nd General Assembly	2316

that are generally applicable to such appropriations. 2317

Section 6. Section 121.22 of the Revised Code is presented 2318
in this act as a composite of the section as amended by both 2319
Sub. H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 2320
The General Assembly, applying the principle stated in division 2321
(B) of section 1.52 of the Revised Code that amendments are to 2322
be harmonized if reasonably capable of simultaneous operation, 2323
finds that the composite is the resulting version of the section 2324
in effect prior to the effective date of the section as 2325
presented in this act. 2326