

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 177**

**Senator Lehner**

**Cosponsors: Senators Beagle, Coley, Thomas**

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**A BILL**

To amend sections 2305.234, 3701.071, and 5119.44, 1  
to enact section 3701.074, and to repeal section 2  
2305.2341 of the Revised Code to expand the 3  
circumstances in which qualified immunity from 4  
civil liability applies with respect to 5  
volunteer health care services provided to 6  
indigent and uninsured persons. 7

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

**Section 1.** That sections 2305.234, 3701.071, and 5119.44 8  
be amended and section 3701.074 of the Revised Code be enacted 9  
to read as follows: 10

**Sec. 2305.234.** (A) As used in this section: 11

(1) "Chiropractic claim," "dental claim," "medical claim," 12  
and "optometric claim" have the same meanings as in section 13  
2305.113 of the Revised Code. 14

(2) ~~"Dental claim" has the same meaning as in section 15  
2305.113 of the Revised Code, except that it does not include 16  
any claim arising out of a dental operation or any derivative 17  
claim for relief that arises out of a dental operation. 18~~

~~(3)~~ "Governmental health care program" has the same 19  
meaning as in section 4731.65 of the Revised Code. 20

(3) "Health care service" means any type of medical, 21  
dental, or other health-related diagnosis, care, or treatment 22  
provided to a person. "Health care service" includes, as the 23  
case may be, providing samples of medicine or other medical 24  
products, performing any operation, or delivering a baby. 25

(4) "Health care facility or location" means a hospital, 26  
clinic, ambulatory surgical facility, office of a health care 27  
professional or associated group of health care professionals, 28  
training institution for health care professionals, a free 29  
clinic or other nonprofit shelter or health care facility as 30  
those terms are defined in section 3701.071 of the Revised Code, 31  
or any other place where ~~medical, dental, or other health-~~ 32  
~~related diagnosis, care, or treatment~~ a health care service is 33  
~~provided to a person.~~ 34

(5) "Health care professional" means any of the following 35  
who provide ~~medical, dental, or other health-related diagnosis,~~ 36  
~~care, or treatment~~ health care services: 37

(a) Physicians authorized under Chapter 4731. of the 38  
Revised Code to practice medicine and surgery or osteopathic 39  
medicine and surgery; 40

(b) Advanced practice registered nurses, registered 41  
nurses, and licensed practical nurses licensed under Chapter 42  
4723. of the Revised Code; 43

(c) Physician assistants authorized to practice under 44  
Chapter 4730. of the Revised Code; 45

(d) Dentists and dental hygienists licensed under Chapter 46  
4715. of the Revised Code; 47

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| (e) Physical therapists, physical therapist assistants,<br>occupational therapists, occupational therapy assistants, and<br>athletic trainers licensed under Chapter 4755. of the Revised<br>Code;   | 48<br>49<br>50<br>51       |
| (f) Chiropractors licensed under Chapter 4734. of the<br>Revised Code;   | 52<br>53                   |
| (g) Optometrists licensed under Chapter 4725. of the<br>Revised Code;  | 54<br>55                   |
| (h) Podiatrists authorized under Chapter 4731. of the<br>Revised Code to practice podiatry;  | 56<br>57                   |
| (i) Dietitians licensed under Chapter 4759. of the Revised<br>Code;  | 58<br>59                   |
| (j) Pharmacists licensed under Chapter 4729. of the<br>Revised Code;   | 60<br>61                   |
| (k) Emergency medical technicians-basic, emergency medical<br>technicians-intermediate, and emergency medical technicians-<br>paramedic, certified under Chapter 4765. of the Revised Code;  | 62<br>63<br>64             |
| (l) Respiratory care professionals licensed under Chapter<br>4761. of the Revised Code;  | 65<br>66                   |
| (m) Speech-language pathologists and audiologists licensed<br>under Chapter 4753. of the Revised Code;   | 67<br>68                   |
| (n) Licensed professional clinical counselors, licensed<br>professional counselors, independent social workers, social<br>workers, independent marriage and family therapists, and<br>marriage and family therapists, licensed under Chapter 4757. of<br>the Revised Code; | 69<br>70<br>71<br>72<br>73 |
| (o) Psychologists licensed under Chapter 4732. of the  | 74                         |

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| Revised Code;   | 75   |
| (p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants, certified under that chapter.  | 76<br>77<br>78<br>79<br>80<br>81<br>82<br>83   |
| (6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, <u>students enrolled in health care professional education programs,</u> and individuals acting in similar capacities.                             | 84<br>85<br>86<br>87<br>88<br>89<br>90<br>91   |
| (7) "Indigent and uninsured person" means a person who meets both of the following requirements:  | 92<br>93                                       |
| (a) Relative to being indigent, the person's income is not greater than two hundred per cent of the federal poverty line, as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, except in any case in which division (A) (7) (b) (iii) of this section includes a person whose income is greater than two hundred per cent of the federal poverty line. | 94<br>95<br>96<br>97<br>98<br>99<br>100<br>101 |
| (b) Relative to being uninsured, one of the following applies:  | 102<br>103                                     |

(i) The person is not a policyholder, certificate holder, 104  
insured, contract holder, subscriber, enrollee, member, 105  
beneficiary, or other covered individual under a health 106  
insurance or health care policy, contract, or plan. 107

(ii) The person is a policyholder, certificate holder, 108  
insured, contract holder, subscriber, enrollee, member, 109  
beneficiary, or other covered individual under a health 110  
insurance or health care policy, contract, or plan, but the 111  
insurer, policy, contract, or plan denies coverage or is the 112  
subject of insolvency or bankruptcy proceedings in any 113  
jurisdiction. 114

(iii) ~~Until June 30, 2019, the~~ The person is eligible for 115  
the medicaid program or is a medicaid recipient. 116

(iv) Except as provided in division (A)(7)(b)(iii) of this 117  
section, the person is not eligible for or a recipient, 118  
enrollee, or beneficiary of any governmental health care 119  
program. 120

(8) "Nonprofit health care referral organization" means an 121  
entity that is not operated for profit and refers patients to, 122  
or arranges for the provision of, ~~health-related diagnosis,~~ 123  
~~care, or treatment~~ health care services by a health care 124  
professional or health care worker. 125

(9) "Operation" means any procedure that involves cutting 126  
or otherwise infiltrating human tissue by mechanical means, 127  
including surgery, laser surgery, ionizing radiation, 128  
therapeutic ultrasound, or the removal of intraocular foreign 129  
bodies. ~~"Operation" does not include the administration of~~ 130  
~~medication by injection, unless the injection is administered in~~ 131  
~~conjunction with a procedure infiltrating human tissue by~~ 132

~~mechanical means other than the administration of medicine by  
injection. "Operation" does not include routine dental  
restorative procedures, the sealing of teeth, or extractions of  
teeth that are not impacted.~~ 133  
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(10) "Tort action" means a civil action for damages for 137  
injury, death, or loss to person or property other than a civil 138  
action for damages for a breach of contract or another agreement 139  
between persons or government entities. 140

(11) "Volunteer" means an individual who provides any 141  
~~medical, dental, or other health care related diagnosis, care,  
or treatment~~ health care service without the expectation of 142  
receiving and without receipt of any compensation or other form 143  
of remuneration from an indigent and uninsured person, another 144  
person on behalf of an indigent and uninsured person, any health 145  
care facility or location, any nonprofit health care referral 146  
organization, or any other person or government entity. 147  
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(12) "Community control sanction" has the same meaning as 149  
in section 2929.01 of the Revised Code. 150

~~(13) "Deep sedation" means a drug-induced depression of  
consciousness during which a patient cannot be easily aroused  
but responds purposefully following repeated or painful  
stimulation, a patient's ability to independently maintain  
ventilatory function may be impaired, a patient may require  
assistance in maintaining a patent airway and spontaneous  
ventilation may be inadequate, and cardiovascular function is  
usually maintained.~~ 151  
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~~(14) "General anesthesia" means a drug-induced loss of  
consciousness during which a patient is not arousable, even by  
painful stimulation, the ability to independently maintain~~ 159  
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~~ventilatory function is often impaired, a patient often requires~~ 162  
~~assistance in maintaining a patent airway, positive pressure~~ 163  
~~ventilation may be required because of depressed spontaneous~~ 164  
~~ventilation or drug-induced depression of neuromuscular~~ 165  
~~function, and cardiovascular function may be impaired.~~ 166

(B) (1) Subject to divisions (F) and (G) (3) of this 167  
section, a health care professional who is a volunteer and 168  
complies with division (B) (2) of this section is not liable in 169  
damages to any person or government entity in a tort or other 170  
civil action, including an action on a medical, dental, 171  
chiropractic, optometric, or other health-related claim, for 172  
injury, death, or loss to person or property that allegedly 173  
arises from an action or omission of the volunteer in the 174  
provision to an indigent and uninsured person of ~~medical,~~ 175  
~~dental, or other health-related diagnosis, care, or treatment,~~ 176  
~~including the provision of samples of medicine and other medical~~ 177  
~~products~~ a health care service, unless the action or omission 178  
constitutes willful or wanton misconduct. 179

(2) To qualify for the immunity described in division (B) 180  
(1) of this section, a health care professional shall do all of 181  
the following prior to providing ~~diagnosis, care, or treatment~~ a 182  
health care service: 183

(a) Determine, in good faith, that the indigent and 184  
uninsured person is mentally capable of giving informed consent 185  
to the provision of the ~~diagnosis, care, or treatment~~ health 186  
care service and is not subject to duress or under undue 187  
influence; 188

(b) Inform the person of the provisions of this section, 189  
including notifying the person that, by giving informed consent 190  
to the provision of the ~~diagnosis, care, or treatment~~ health 191

care service, the person cannot hold the health care 192  
professional liable for damages in a tort or other civil action, 193  
including an action on a medical, dental, chiropractic, 194  
optometric, or other health-related claim, unless the action or 195  
omission of the health care professional constitutes willful or 196  
wanton misconduct; 197

(c) Obtain the informed consent of the person and a 198  
written waiver, signed by the person or by another individual on 199  
behalf of and in the presence of the person, that states that 200  
the person is mentally competent to give informed consent and, 201  
without being subject to duress or under undue influence, gives 202  
informed consent to the provision of the ~~diagnosis, care, or~~ 203  
~~treatment~~ health care service subject to the provisions of this 204  
section. A written waiver under division (B) (2) (c) of this 205  
section shall state clearly and in conspicuous type that the 206  
person or other individual who signs the waiver is signing it 207  
with full knowledge that, by giving informed consent to the 208  
provision of the ~~diagnosis, care, or treatment~~ health care 209  
service, the person cannot bring a tort or other civil action, 210  
including an action on a medical, dental, chiropractic, 211  
optometric, or other health-related claim, against the health 212  
care professional unless the action or omission of the health 213  
care professional constitutes willful or wanton misconduct. 214

(3) A physician or podiatrist who is not covered by 215  
medical malpractice insurance, but complies with division (B) (2) 216  
of this section, is not required to comply with division (A) of 217  
section 4731.143 of the Revised Code. 218

(C) Subject to divisions (F) and (G) (3) of this section, 219  
health care workers who are volunteers are not liable in damages 220  
to any person or government entity in a tort or other civil 221



action, including an action upon a medical, dental, 222  
chiropractic, optometric, or other health-related claim, for 223  
injury, death, or loss to person or property that allegedly 224  
arises from an action or omission of the health care worker in 225  
the provision to an indigent and uninsured person of ~~medical,~~ 226  
~~dental, or other health-related diagnosis, care, or treatment~~ a 227  
health care service, unless the action or omission constitutes 228  
willful or wanton misconduct. 229

(D) Subject to divisions (F) and (G) (3) of this section, a 230  
nonprofit health care referral organization is not liable in 231  
damages to any person or government entity in a tort or other 232  
civil action, including an action on a medical, dental, 233  
chiropractic, optometric, or other health-related claim, for 234  
injury, death, or loss to person or property that allegedly 235  
arises from an action or omission of the nonprofit health care 236  
referral organization in referring indigent and uninsured 237  
persons to, or arranging for the provision of, ~~medical, dental,~~ 238  
~~or other health-related diagnosis, care, or treatment~~ a health 239  
care service by a health care professional described in division 240  
(B) (1) of this section or a health care worker described in 241  
division (C) of this section, unless the action or omission 242  
constitutes willful or wanton misconduct. 243

(E) Subject to divisions (F) and (G) (3) of this section 244  
and to the extent that the registration requirements of section 245  
3701.071 of the Revised Code apply, a health care facility or 246  
location associated with a health care professional described in 247  
division (B) (1) of this section, a health care worker described 248  
in division (C) of this section, or a nonprofit health care 249  
referral organization described in division (D) of this section 250  
is not liable in damages to any person or government entity in a 251  
tort or other civil action, including an action on a medical, 252

dental, chiropractic, optometric, or other health-related claim, 253  
for injury, death, or loss to person or property that allegedly 254  
arises from an action or omission of the health care 255  
professional or worker or nonprofit health care referral 256  
organization relative to the ~~medical, dental, or other health-~~ 257  
~~related diagnosis, care, or treatment~~ health care service 258  
provided to an indigent and uninsured person on behalf of or at 259  
the health care facility or location, unless the action or 260  
omission constitutes willful or wanton misconduct. 261

(F) (1) Except as provided in division (F) (2) of this 262  
section, the immunities provided by divisions (B), (C), (D), and 263  
(E) of this section are not available to a health care 264  
professional, health care worker, nonprofit health care referral 265  
organization, or health care facility or location if, at the 266  
time of an alleged injury, death, or loss to person or property, 267  
the health care professionals or health care workers involved 268  
are providing ~~one~~ either of the following: 269

(a) ~~Any medical, dental, or other health-related~~ 270  
~~diagnosis, care, or treatment~~ A health care service pursuant to 271  
a community service work order entered by a court under division 272  
(B) of section 2951.02 of the Revised Code or imposed by a court 273  
as a community control sanction; 274

(b) ~~Performance of an operation to which any one of the~~ 275  
~~following applies:~~ 276

~~(i) The operation requires the administration of deep~~ 277  
~~sedation or general anesthesia.~~ 278

~~(ii) The operation is a procedure that is not typically~~ 279  
~~performed in an office.~~ 280

~~(iii) The individual involved is a health care~~ 281

~~professional, and the operation is beyond the scope of practice— 282  
or the education, training, and competence, as applicable, of— 283  
the health care professional.— 284~~

~~(c) Delivery of a baby or any other—The purposeful 285  
termination of a human pregnancy other than by delivery of a 286  
baby. 287~~

(2) Division (F) (1) of this section does not apply when a 288  
health care professional or health care worker provides ~~medical, 289  
dental, or other health related diagnosis, care, or treatment—a 290  
health care service that is necessary to preserve the life of a 291  
person in a medical emergency. 292~~

(G) (1) This section does not create a new cause of action 293  
or substantive legal right against a health care professional, 294  
health care worker, nonprofit health care referral organization, 295  
or health care facility or location. 296

(2) This section does not affect any immunities from civil 297  
liability or defenses established by another section of the 298  
Revised Code or available at common law to which a health care 299  
professional, health care worker, nonprofit health care referral 300  
organization, or health care facility or location may be 301  
entitled in connection with the provision of emergency or other 302  
~~medical, dental, or other health related diagnosis, care, or— 303  
treatment health care services. 304~~

(3) This section does not grant an immunity from tort or 305  
other civil liability to a health care professional, health care 306  
worker, nonprofit health care referral organization, or health 307  
care facility or location for actions that are outside the scope 308  
of authority of ~~the health care professionals—professional or 309  
health care ~~workers~~ worker involved. 310~~

~~In the case of the diagnosis, care, or treatment of an indigent and uninsured person who is eligible for the medicaid program or is a medicaid recipient, this section grants an immunity from tort or other civil liability only if the person's diagnosis, care, or treatment is provided in a free clinic, as defined in section 3701.071 of the Revised Code.~~

(4) This section does not affect any legal responsibility of a health care professional, health care worker, or nonprofit health care referral organization to comply with any applicable law of this state or rule of an agency of this state.

(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

**Sec. 3701.071.** (A) As used in this section:

(1) "Free clinic" means a nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a program component of a nonprofit organization, to which both of the following apply:

(a) Its primary mission is to provide health care services for free or for a minimal administrative fee to individuals with limited resources.

(b) It facilitates the delivery of health care services through the use of volunteer health care professionals and voluntary care networks.

(2) "Health care service" and "Indigent indigent and

uninsured person" ~~has~~ have the same ~~meaning~~ meanings as in 340  
section 2305.234 of the Revised Code. 341

(3) "Nonprofit shelter or health care facility" means a 342  
charitable nonprofit corporation organized and operated pursuant 343  
to Chapter 1702. of the Revised Code, or any charitable 344  
organization not organized and not operated for profit, that 345  
provides shelter, health care services, or shelter and health 346  
care services to indigent and uninsured persons. "Nonprofit 347  
shelter or health care facility" includes any such shelter or 348  
facility that is operated as or includes a free clinic. 349  
"Nonprofit shelter or health care facility" does not include a 350  
hospital, as defined in section 3727.01 of the Revised Code, a 351  
facility licensed under Chapter 3721. of the Revised Code, or a 352  
medical facility that is operated for profit. 353

(B) A nonprofit shelter or health care facility operating 354  
in this state shall register on the first day of January each 355  
year with the department of health. ~~The~~ 356

The immunity provided by division (E) of section 2305.234 357  
of the Revised Code is not available to a nonprofit shelter or 358  
health care facility until the shelter or facility registers 359  
with the department in accordance with this section. During the 360  
period in which a nonprofit shelter or health care facility is 361  
registered, the immunity that is available to the shelter or 362  
facility extends to any alternate or temporary location that is 363  
used by the shelter or facility to facilitate the provision of 364  
health care services, including any type of vehicle or other 365  
unit used as part of a mobile health care program. 366

(C) A nonprofit shelter or health care facility operating 367  
in this state shall keep records of all patients who receive 368  
~~medical, dental, or other health related diagnosis, care, or~~ 369

~~treatment~~ health care services at the shelter or facility. The 370  
department of health shall monitor the quality of care provided 371  
to patients at nonprofit shelters or health care facilities. The 372  
monitoring program may be conducted by contracting with another 373  
entity or through any other method authorized by law. The 374  
department may solicit and accept funds from private sources to 375  
fund the monitoring program. 376

(D) A free clinic operating in this state shall compile 377  
information on medicaid eligibility and application requirements 378  
and procedures and display copies of that information in a 379  
prominent location for the benefit of persons who seek or 380  
receive health care services from the clinic. 381

Sec. 3701.074. As used in this section, "health care 382  
facility or location," "health care professional," "health care 383  
service," "health care worker," "indigent and uninsured person," 384  
"nonprofit health care referral organization," and "volunteer" 385  
have the same meanings as in section 2305.234 of the Revised 386  
Code. 387

The department of health shall prepare an annual report 388  
regarding the provision to indigent and uninsured persons of 389  
health care services by volunteers in this state. The report 390  
shall include information regarding the efficacy of access and 391  
treatment outcomes of the health care services provided. The 392  
department shall annually submit a copy of the report to the 393  
general assembly in accordance with section 101.68 of the 394  
Revised Code. 395

All persons designated by the department shall submit to 396  
the department information requested by the department to 397  
prepare the report. All health care facilities or locations, 398  
health care professionals, health care workers, and nonprofit 399

health care referral organizations shall grant to the department 400  
access to all records related to health care services provided 401  
to indigent and uninsured persons by volunteers. 402

In the absence of willful or wanton misconduct, a person 403  
who furnishes information to the department under this section 404  
with respect to any patient the person examined or treated is 405  
not liable in damages to any person for furnishing the 406  
information and is not subject to professional disciplinary 407  
action for betrayal of a professional confidence for furnishing 408  
the information. The information is not subject to introduction 409  
into evidence in any civil action against the provider. A person 410  
who furnishes information to the department under this section 411  
is not liable for the misuse or improper release of the 412  
information by the department or by any person. 413

Information reported under this section that is protected 414  
health information pursuant to section 3701.17 of the Revised 415  
Code shall be released only in accordance with that section. 416  
Information that does not identify an individual may be released 417  
in summary, statistical, or aggregate form. 418

The director of health shall adopt rules as necessary to 419  
carry out the purposes of this section. The rules shall be 420  
adopted in accordance with Chapter 119. of the Revised Code and 421  
establish standards and procedures for submitting to the 422  
department information concerning health care services provided 423  
to indigent and uninsured persons by volunteers. 424

**Sec. 5119.44.** As used in this section, "free clinic" has 425  
the same meaning as in section ~~2305.2341~~3701.071 of the Revised 426  
Code. 427

(A) The department of mental health and addiction services 428

may provide certain goods and services for the department of 429  
mental health and addiction services, the department of 430  
developmental disabilities, the department of rehabilitation and 431  
correction, the department of youth services, and other state, 432  
county, or municipal agencies requesting such goods and services 433  
when the department of mental health and addiction services 434  
determines that it is in the public interest, and considers it 435  
advisable, to provide these goods and services. The department 436  
of mental health and addiction services also may provide goods 437  
and services to agencies operated by the United States 438  
government and to public or private nonprofit agencies, other 439  
than free clinics, that are funded in whole or in part by the 440  
state if the public or private nonprofit agencies are designated 441  
for participation in this program by the director of mental 442  
health and addiction services for community addiction services 443  
providers and community mental health services providers, the 444  
director of developmental disabilities for community 445  
developmental disabilities agencies, the director of 446  
rehabilitation and correction for community rehabilitation and 447  
correction agencies, or the director of youth services for 448  
community youth services agencies. 449

Designated community agencies or services providers shall 450  
receive goods and services through the department of mental 451  
health and addiction services only in those cases where the 452  
designating state agency certifies that providing such goods and 453  
services to the agency or services provider will conserve public 454  
resources to the benefit of the public and where the provision 455  
of such goods and services is considered feasible by the 456  
department of mental health and addiction services. 457

(B) The department of mental health and addiction services 458  
may permit free clinics to purchase certain goods and services 459



to the extent the purchases fall within the exemption to the 460  
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to 461  
nonprofit institutions, in 15 U.S.C. 13c, as amended. 462

(C) The goods and services that may be provided by the 463  
department of mental health and addiction services under 464  
divisions (A) and (B) of this section may include: 465

(1) Procurement, storage, processing, and distribution of 466  
food and professional consultation on food operations; 467

(2) Procurement, storage, and distribution of medical and 468  
laboratory supplies, dental supplies, medical records, forms, 469  
optical supplies, and sundries, subject to section 5120.135 of 470  
the Revised Code; 471

(3) Procurement, storage, repackaging, distribution, and 472  
dispensing of drugs, the provision of professional pharmacy 473  
consultation, and drug information services; 474

(4) Other goods and services. 475

(D) The department of mental health and addiction services 476  
may provide the goods and services designated in division (C) of 477  
this section to its institutions and to state-operated 478  
community-based mental health or addiction services providers. 479

(E) After consultation with and advice from the director 480  
of developmental disabilities, the director of rehabilitation 481  
and correction, and the director of youth services, the 482  
department of mental health and addiction services may provide 483  
the goods and services designated in division (C) of this 484  
section to the department of developmental disabilities, the 485  
department of rehabilitation and correction, and the department 486  
of youth services. 487

(F) The cost of administration of this section shall be 488  
determined by the department of mental health and addiction 489  
services and paid by the agencies, services providers, or free 490  
clinics receiving the goods and services to the department for 491  
deposit in the state treasury to the credit of the Ohio pharmacy 492  
services fund, which is hereby created. The fund shall be used 493  
to pay the cost of administration of this section to the 494  
department. 495

(G) Whenever a state agency fails to make a payment for 496  
goods and services provided under this section within thirty-one 497  
days after the date the payment was due, the office of budget 498  
and management may transfer moneys from the state agency to the 499  
department of mental health and addiction services. The amount 500  
transferred shall not exceed the amount of overdue payments. 501  
Prior to making a transfer under this division, the office of 502  
budget and management shall apply any credits the state agency 503  
has accumulated in payments for goods and services provided 504  
under this section. 505

(H) Purchases of goods and services under this section are 506  
not subject to section 307.86 of the Revised Code. 507

**Section 2.** That existing sections 2305.234, 3701.071, and 508  
5119.44 and section 2305.2341 of the Revised Code are hereby 509  
repealed. 510