

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 193

Senator Tavares

Cosponsors: Senators Skindell, Williams, Sykes, Brown, Yuko

A BILL

To enact sections 103.85, 103.86, 103.87, and 1
103.88 of the Revised Code to create a long-term 2
care inspection committee. 3

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

Section 1. That sections 103.85, 103.86, 103.87, and 4
103.88 of the Revised Code be enacted to read as follows: 5

Sec. 103.85. (A) As used in this section and in sections 6
103.86 to 103.88 of the Revised Code, "long-term care facility" 7
means all of the following: 8

(1) A nursing home, as defined in section 3721.01 of the 9
Revised Code; 10

(2) A facility or part of a facility that is certified as 11
a skilled nursing facility or a nursing facility under Title 12
XVIII or XIX of the "Social Security Act," 42 U.S.C. 1395 et 13
seq. or 42 U.S.C. 1396 et seq.; 14

(3) A residential care facility, as defined in section 15
3721.01 of the Revised Code. 16

(B) There is hereby created a long-term care inspection 17

committee as a subcommittee of the legislative service 18
commission. The committee shall consist of eight persons, four 19
of whom shall be members of the senate appointed by the 20
president of the senate, not more than two of whom shall be 21
members of the same political party, and four of whom shall be 22
members of the house of representatives appointed by the speaker 23
of the house of representatives, not more than two of whom shall 24
be members of the same political party. 25

Initial appointments to the committee shall be made within 26
fifteen days after the effective date of this section and in the 27
manner prescribed in this section. Thereafter, appointments to 28
the committee shall be made within fifteen days after the 29
commencement of the first regular session of the general 30
assembly and in the manner prescribed in this section. A vacancy 31
on the committee shall be filled for the unexpired term in the 32
same manner as the original appointment. Members of the 33
committee shall serve on the committee until the appointments 34
are made in the first regular session of the following general 35
assembly, unless they cease to be members of the general 36
assembly. 37

The committee, subject to the oversight and direction of 38
the legislative service commission, shall direct the work of the 39
director and staff of the committee. 40

Sec. 103.86. The long-term care inspection committee, by a 41
vote of at least five members, shall select from its membership 42
a chairperson, vice-chairperson, and secretary. The members of 43
the committee shall serve without compensation but shall be 44
reimbursed for their actual and necessary expenses incurred in 45
the discharge of their official duties. 46

Sec. 103.87. (A) (1) Subject to division (A) (2) of this 47

section, the long-term care inspection committee shall establish 48
and maintain a continuing program of inspection of each long- 49
term care facility in this state. The committee shall conduct an 50
inspection of each long-term care facility each biennium. The 51
inspection shall include attendance at one general meal period 52
and one social activity program. 53

(2) All of the following apply with respect to an 54
inspection of a long-term care facility under division (A) (1) of 55
this section: 56

(a) The inspection shall not be conducted unless the 57
chairperson of the committee grants prior approval for the 58
inspection. 59

(b) The inspection shall be conducted by at least one 60
staff member of the committee and may include one or more of the 61
members appointed to the committee. 62

(c) The inspectors shall be given access to the facility 63
or any part of the facility. The inspectors are not required to 64
give advance notice of, or to make prior arrangements before 65
conducting, the inspection. 66

(d) Unless the chairperson of the committee determines 67
that the inspection must be conducted outside of normal business 68
hours for any reason, including emergency circumstances or a 69
justifiable cause that perpetuates the mission of the committee, 70
and the chairperson specifies in the grant of prior approval for 71
the inspection that the chairperson has so determined, the 72
inspection shall be conducted only during normal business hours. 73
If the chairperson determines that the inspection must be 74
conducted outside of normal business hours and the chairperson 75
specifies in the grant of prior approval for the inspection that 76

the chairperson has so determined, the inspection may be 77
conducted outside of normal business hours. 78

(B) The committee shall evaluate and assist in the 79
development of programs to improve the condition or operation of 80
long-term care facilities. 81

(C) The committee shall prepare a report for submission to 82
the succeeding general assembly of the findings the committee 83
makes in its inspections and of any programs that have been 84
proposed or developed to improve the condition or operation of 85
the long-term care facilities in the state. The report shall 86
contain a separate evaluation of the resident grievance 87
procedure at each long-term care facility. The committee shall 88
submit the report to the succeeding general assembly within 89
fifteen days after commencement of that general assembly's first 90
regular session. 91

Sec. 103.88. The long-term care inspection committee may 92
employ a director and any other nonlegal staff, who shall be in 93
the unclassified service of the state, that are necessary for 94
the committee to carry out its duties and may contract for the 95
services of whatever nonlegal technical advisors are necessary 96
for the committee to carry out its duties. The attorney general 97
shall act as legal counsel to the committee. 98

The chairperson and vice-chairperson of the legislative 99
service commission shall fix the compensation of the director. 100
The director, with the approval of the director of the 101
legislative service commission, shall fix the compensation of 102
other staff of the committee in accordance with a salary 103
schedule established by the director of the legislative service 104
commission. Contracts for the services of necessary technical 105
advisors shall be approved by the director of the legislative 106

service commission. 107

The general assembly shall biennially appropriate to the 108
long-term care inspection committee an amount sufficient to 109
enable the committee to perform its duties. Salaries and 110
expenses incurred by the committee shall be paid from that 111
appropriation upon vouchers approved by the chairperson of the 112
committee. 113