

AN ACT

To amend sections 103.73, 103.74, and 5120.55 of the Revised Code to permit the Department of Rehabilitation and Correction to recruit certain licensed health professionals through a loan repayment program and to modify the procedures used by the Correctional Institution Inspection Committee to inspect correctional institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 103.73, 103.74, and 5120.55 of the Revised Code be amended to read as follows:

Sec. 103.73. (A) The correctional institution inspection committee shall do all of the following:

(1) Subject to division (C) of this section, establish and maintain a continuing program of inspection of each state correctional institution used for the custody, control, training, and rehabilitation of persons convicted of crime and of each private correctional facility. Subject to division (C) of this section, the committee may inspect any local correctional institution used for the same purposes. Subject to division (C) of this section, the committee, and each member of the committee, for the purpose of making an inspection pursuant to this section, shall have access to any state or local correctional institution, to any private correctional facility, or to any part of the institution or facility and shall not be required to give advance notice of, or to make prior arrangements before conducting, an inspection.

(2) Evaluate and assist in the development of programs to improve the condition or operation of correctional institutions;

(3) Prepare a report for submission to the succeeding general assembly of the findings the committee makes in its inspections and of any programs that have been proposed or developed to improve the condition or operation of the correctional institutions in the state. The report shall contain a separate evaluation of the inmate grievance procedure at each state correctional institution. The committee shall submit the report to the

succeeding general assembly within fifteen days after commencement of that general assembly's first regular session.

(B) Subject to division (C) of this section, the committee shall make an inspection of each state correctional institution each biennium and of each private correctional facility each biennium. The inspection shall include attendance at one general meal period and one rehabilitative or educational program.

(C) An inspection of a state correctional institution, a private correctional facility, or a local correctional institution under division (A) or (B) of this section or under section 103.74 of the Revised Code, or an inspection under section 103.76 of the Revised Code, is subject to and shall be conducted in accordance with all of the following:

(1) The inspection shall not be conducted unless the chairperson of the committee grants prior approval for the inspection. ~~The grant of prior approval shall specify whether the inspection is to be conducted by a subcommittee appointed under section 103.74 of the Revised Code or is to be conducted other than by a subcommittee appointed under that section.~~

(2) The inspection shall ~~not~~ be conducted ~~unless one of the following applies:~~

~~(a) If the inspection is to be conducted by a subcommittee appointed under section 103.74 of the Revised Code, at least two members appointed to the committee are present for the inspection;~~

~~(b) If division (C)(2)(a) of this section does not apply, at least one member appointed to the committee and at least one staff member of the committee are present for the inspection by at least one staff member of the committee and may include one or more of the members appointed to the committee.~~

(3) Unless the chairperson of the committee determines that the inspection must be conducted outside of normal business hours for any reason, including emergency circumstances or a justifiable cause that perpetuates the mission of the committee, and the chairperson specifies in the grant of prior approval for the inspection that the chairperson has so determined, the inspection shall be conducted only during normal business hours. If the chairperson determines that the inspection must be conducted outside of normal business hours and the chairperson specifies in the grant of prior approval for the inspection that the chairperson has so determined, the inspection may be conducted outside of normal business hours.

~~(4) If the inspection is to be conducted by a subcommittee appointed under section 103.74 of the Revised Code, no staff member of the committee may be present on the inspection unless the chairperson of the~~

~~committee, in the grant of prior approval for the inspection, specifically authorizes staff members to be present on the inspection. If the inspection is to be conducted other than by a subcommittee appointed under that section, staff members may be present on the inspection regardless of whether the grant of prior approval contains a specific authorization for staff members to be present on the inspection.~~

(D) As used in this section:

(1) "Local public entity," "out-of-state prisoner," and "private contractor" have the same meanings as in section 9.07 of the Revised Code.

(2) "Private correctional facility" means a correctional facility in this state that houses out-of-state prisoners and that is operated by a private contractor under a contract with a local public entity pursuant to section 9.07 of the Revised Code.

~~Sec. 103.74. Subject to division (C) of section 103.73 of the Revised Code, the chairperson of the The correctional institution inspection committee may appoint subcommittees, each to consist of at least two members, for the purpose of conducting inspections pursuant to section 103.73 or 103.76 of the Revised Code.~~

~~The committee~~ may employ a director and any other nonlegal staff, who shall be in the unclassified service of the state, that are necessary for the committee to carry out its duties and may contract for the services of whatever nonlegal technical advisors are necessary for the committee to carry out its duties. The attorney general shall act as legal counsel to the committee.

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

The general assembly shall biennially appropriate to the correctional institution inspection committee an amount sufficient to enable the committee to perform its duties. Salaries and expenses incurred by the committee shall be paid from that appropriation upon vouchers approved by the chairperson of the committee.

Sec. 5120.55. (A) As used in this section, ~~"physician"~~ "licensed health professional" means ~~an individual~~ any or all of the following:

(1) A dentist who holds a current, valid license issued under Chapter 4715. of the Revised Code to practice dentistry;

(2) A licensed practical nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a licensed practical nurse;

(3) An optometrist who holds a current, valid certificate of licensure issued under Chapter 4725. of the Revised Code that authorizes the holder to engage in the practice of optometry;

(4) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;

(5) A psychologist who holds a current, valid license issued under Chapter 4732. of the Revised Code that authorizes the practice of psychology as a licensed psychologist;

(6) A registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a registered nurse regardless of whether the nurse is authorized to practice as an advanced practice nurse as defined in section 4723.01 of the Revised Code.

~~(B)(1)~~ The department of rehabilitation and correction may establish a ~~physician~~ recruitment program under which the department, by means of a contract entered into under division (C) of this section, agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a ~~physician~~ licensed health professional who agrees to provide services to inmates of correctional institutions under the department's administration. ~~To~~

(2)(a) For a physician to be eligible to participate in the program, a the physician must have attended a school that was, during the time of attendance, a medical school or osteopathic medical school in this country accredited by the liaison committee on medical education or the American osteopathic association, a college of podiatry in this country recognized as being in good standing under section 4731.53 of the Revised Code, or a medical school, osteopathic medical school, or college of podiatry located outside this country that was acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction.

(b) For a nurse to be eligible to participate in the program, the nurse must have attended a school that was, during the time of attendance, a nursing school in this country accredited by the commission on collegiate nursing education or the national league for nursing accrediting commission or a nursing school located outside this country that was acknowledged by the world health organization and verified by a member state of that

organization as operating within that state's jurisdiction.

(c) For a dentist to be eligible to participate in the program, the dentist must have attended a school that was, during the time of attendance, a dental college that enabled the dentist to meet the requirements specified in section 4715.10 of the Revised Code to be granted a license to practice dentistry.

(d) For an optometrist to be eligible to participate in the program, the optometrist must have attended a school of optometry that was, during the time of attendance, approved by the state board of optometry.

(e) For a psychologist to be eligible to participate in the program, the psychologist must have attended an educational institution that, during the time of attendance, maintained a specific degree program recognized by the state board of psychology as acceptable for fulfilling the requirement of division (B)(4) of section 4732.10 of the Revised Code.

(C) The department shall enter into a contract with each ~~physician~~ licensed health professional it recruits under this section. Each contract shall include at least the following terms:

(1) The ~~physician~~ licensed health professional agrees to provide a specified scope of medical, osteopathic medical, ~~or~~ podiatric, optometric, psychological, nursing, or dental services to inmates of one or more specified state correctional institutions for a specified number of hours per week for a specified number of years.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the ~~physician~~ licensed health professional for the following expenses to attend, for up to a maximum of four years, a school that qualifies the ~~physician~~ licensed health professional to participate in the program:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section.

(3) The ~~physician~~ licensed health professional agrees to pay the department a specified amount, which shall be no less than the amount already paid by the department pursuant to its agreement, as damages if the ~~physician~~ licensed health professional fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the ~~physician's~~ service obligation that remains uncompleted.

(4) Other terms agreed upon by the parties.

The ~~physician's~~ licensed health professional's lending institution or the Ohio board of regents, may be a party to the contract. The contract may include an assignment to the department of the ~~physician's~~ licensed health professional's duty to repay the principal and interest of the loan.

(D) If the department elects to implement the ~~physician~~ recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which ~~physicians~~ licensed health professionals will be recruited;

(2) Criteria for selecting ~~physicians~~ licensed health professionals for participation in the program;

(3) Criteria for determining the portion of a ~~physician's~~ loan which the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by ~~physicians~~ a licensed health professional with the terms of ~~their contracts~~ the contract the licensed health professional enters into under this section;

(6) Any other criteria or procedures necessary to implement the program.

SECTION 2. That existing sections 103.73, 103.74, and 5120.55 of the Revised Code are hereby repealed.

Am. Sub. S. B. No. 147

127th G.A.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. S. B. No. 147

127th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____