

# As Introduced

130th General Assembly  
Regular Session  
2013-2014

H. B. No. 483

Representative Amstutz

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## A BILL

To amend sections 7.10, 7.16, 9.482, 109.572, 1  
109.5721, 111.15, 119.03, 122.121, 122.861, 2  
124.32, 125.13, 125.182, 126.21, 126.25, 149.38, 3  
153.56, 164.26, 173.27, 173.38, 191.01, 340.02, 4  
340.021, 1321.535, 1321.55, 1322.03, 1322.031, 5  
1322.04, 1322.041, 1322.051, 1322.06, 1509.071, 6  
1533.10, 1533.11, 1533.12, 1711.50, 1711.53, 7  
2151.417, 2151.421, 2152.19, 2701.09, 2945.402, 8  
3123.89, 3313.90, 3313.91, 3314.08, 3317.02, 9  
3317.0217, 3701.132, 3701.34, 3701.74, 3701.83, 10  
3701.881, 3702.511, 3702.52, 3702.526, 3702.71, 11  
3702.74, 3702.75, 3702.91, 3702.95, 3730.09, 12  
3737.02, 4141.01, 4141.09, 4141.11, 4141.131, 13  
4141.20, 4141.25, 4141.26, 4141.28, 4141.29, 14  
4141.35, 4511.191, 4729.03, 4729.54, 4729.83, 15  
4737.045, 4758.01, 4758.02, 4758.06, 4758.16, 16  
4758.20, 4758.21, 4758.23, 4758.24, 4758.26, 17  
4758.28, 4758.29, 4758.30, 4758.31, 4758.35, 18  
4758.36, 4758.50, 4758.51, 4758.60, 4758.71, 19  
4781.121, 4781.29, 4905.01, 4905.81, 4905.95, 20  
4923.01, 4923.02, 4923.04, 4928.66, 5104.03, 21  
5123.01, 5123.011, 5123.012, 5123.081, 5123.16, 22  
5123.162, 5123.169, 5123.19, 5123.191, 5123.21, 23  
5123.61, 5123.75, 5123.76, 5123.89, 5124.01, 24

5124.106, 5124.21, 5124.60, 5124.61, 5124.62, 25  
5124.67, 5126.01, 5126.0219, 5126.041, 5126.046, 26  
5126.051, 5126.08, 5126.21, 5126.25, 5126.42, 27  
5126.43, 5126.45, 5139.05, 5139.34, 5139.36, 28  
5139.41, 5164.34, 5164.342, 5513.01, and 5713.012; 29  
to enact sections 164.261, 3123.90, 3317.162, 30  
3721.122, 4758.48, 4758.62, 4758.63, 4758.64, 31  
4909.157, 5122.36, 5123.0420, 5139.12, and 32  
5139.45; to repeal sections 3125.191, 3702.93, 33  
5124.63, and 5124.64 of the Revised Code; to amend 34  
Sections 207.10, 209.30, 211.10, 221.10, 241.10, 35  
257.10, 259.10, 263.10, 263.230, 263.240, 263.250, 36  
263.270, 263.325, 275.10, 282.10, 282.30, 285.10, 37  
285.20, 301.10, 327.10, 333.10, 333.80, 340.10, 38  
359.10, 363.10, 365.10, 395.10, 403.10, 512.80, 39  
and 751.10 of Am. Sub. H.B. 59 of the 130th 40  
General Assembly; and to repeal Section 747.40 of 41  
Am. Sub. H.B. 59 of the 130th General Assembly to 42  
make operating and other appropriations and to 43  
provide authorization and conditions for the 44  
operation of state programs. 45

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

**Section 101.01.** That sections 7.10, 7.16, 9.482, 109.572, 46  
109.5721, 111.15, 119.03, 122.121, 122.861, 124.32, 125.13, 47  
125.182, 126.21, 126.25, 149.38, 153.56, 164.26, 173.27, 173.38, 48  
191.01, 340.02, 340.021, 1321.535, 1321.55, 1322.03, 1322.031, 49  
1322.04, 1322.041, 1322.051, 1322.06, 1509.071, 1533.10, 1533.11, 50  
1533.12, 1711.50, 1711.53, 2151.417, 2151.421, 2152.19, 2701.09, 51  
2945.402, 3123.89, 3313.90, 3313.91, 3314.08, 3317.02, 3317.0217, 52  
3701.132, 3701.34, 3701.74, 3701.83, 3701.881, 3702.511, 3702.52, 53  
3702.526, 3702.71, 3702.74, 3702.75, 3702.91, 3702.95, 3730.09, 54

3737.02, 4141.01, 4141.09, 4141.11, 4141.131, 4141.20, 4141.25, 55  
4141.26, 4141.28, 4141.29, 4141.35, 4511.191, 4729.03, 4729.54, 56  
4729.83, 4737.045, 4758.01, 4758.02, 4758.06, 4758.16, 4758.20, 57  
4758.21, 4758.23, 4758.24, 4758.26, 4758.28, 4758.29, 4758.30, 58  
4758.31, 4758.35, 4758.36, 4758.50, 4758.51, 4758.60, 4758.71, 59  
4781.121, 4781.29, 4905.01, 4905.81, 4905.95, 4923.01, 4923.02, 60  
4923.04, 4928.66, 5104.03, 5123.01, 5123.011, 5123.012, 5123.081, 61  
5123.16, 5123.162, 5123.169, 5123.19, 5123.191, 5123.21, 5123.61, 62  
5123.75, 5123.76, 5123.89, 5124.01, 5124.106, 5124.21, 5124.60, 63  
5124.61, 5124.62, 5124.67, 5126.01, 5126.0219, 5126.041, 5126.046, 64  
5126.051, 5126.08, 5126.21, 5126.25, 5126.42, 5126.43, 5126.45, 65  
5139.05, 5139.34, 5139.36, 5139.41, 5164.34, 5164.342, 5513.01, 66  
and 5713.012 be amended; and sections 164.261, 3123.90, 3317.162, 67  
3721.122, 4758.48, 4758.62, 4758.63, 4758.64, 4909.157, 5122.36, 68  
5123.0420, 5139.12, and 5139.45 of the Revised Code be enacted to 69  
read as follows: 70

**Sec. 7.10.** For the publication of advertisements, notices, 71  
and proclamations, except those relating to proposed amendments to 72  
the Ohio Constitution, required to be published by a public 73  
officer of the state, a benevolent or other public institution, a 74  
trustee, assignee, executor, or administrator, or by or in any 75  
court of record, except when the rate is otherwise fixed by law, 76  
publishers of newspapers may charge and receive for such 77  
advertisements, notices, and proclamations rates charged on annual 78  
contracts by them for a like amount of space to other advertisers 79  
who advertise in its general display advertising columns. 80

For the publication of advertisements, notices, or 81  
proclamations required to be published by a public officer of a 82  
county, municipal corporation, township, school, or other 83  
political subdivision, publishers of newspapers shall establish a 84  
government rate, ~~which shall include free publication of~~ 85

~~advertisements, notices, or proclamations on the newspaper's~~ 86  
~~internet web site, if the newspaper has one.~~ The government rate 87  
shall not exceed the lowest classified advertising rate and lowest 88  
insert rate paid by other advertisers. 89

Legal advertising appearing in print, except that relating to 90  
proposed amendments to the Ohio Constitution, shall be set up in a 91  
compact form, without unnecessary spaces, blanks, or headlines, 92  
and printed in not smaller than six-point type. The type used must 93  
be of such proportions that the body of the capital letter M is no 94  
wider than it is high and all other letters and characters are in 95  
proportion. 96

Except as provided in section 2701.09 of the Revised Code, 97  
all legal advertisements ~~or~~, notices, or proclamations shall be 98  
printed in a newspaper of general circulation and shall be posted 99  
by the newspaper publisher on the newspaper's internet web site, 100  
if the newspaper has one. Publishers of newspapers may not charge 101  
for posting advertisements, notices, and proclamations on the 102  
newspaper's internet web site, if the newspaper has one. 103

**Sec. 7.16.** (A) As used in this section: 104

(1) "State agency" means any organized body, office, agency, 105  
institution, or other entity established by the laws of the state 106  
for the exercise of any function of state government, including 107  
state institutions of higher education, as defined in section 108  
3345.011 of the Revised Code. 109

(2) "Political subdivision" has the meaning defined in 110  
section 2744.01 of the Revised Code. 111

(B) If a section of the Revised Code or an administrative 112  
rule requires a state agency or a political subdivision to publish 113  
a notice or advertisement two or more times in a newspaper of 114  
general circulation and the section or administrative rule refers 115

to this section, the first publication of the notice or 116  
advertisement shall be made in its entirety in a newspaper of 117  
general circulation and may be made in a preprinted insert in the 118  
newspaper, but the second publication otherwise required by that 119  
section or administrative rule may be made in abbreviated form in 120  
a newspaper of general circulation in the state or in the 121  
political subdivision, as designated in that section or 122  
administrative rule, and on the newspaper's internet web site, if 123  
the newspaper has one. The state agency or political subdivision 124  
may eliminate any further newspaper publications required by that 125  
section or administrative rule, provided that the second, 126  
abbreviated notice or advertisement meets all of the following 127  
requirements: 128

(1) It is published in the newspaper of general circulation 129  
in which the first publication of the notice or advertisement was 130  
made ~~and is published on that newspaper's internet web site, if~~ 131  
~~the newspaper has one.~~ 132

(2) It is published on the state official public notice web 133  
site established under section 125.182 of the Revised Code. The 134  
publisher of the newspaper shall post the notice or advertisement 135  
on the official public notice web site at no additional cost. 136

(3) It includes a title, followed by a summary paragraph or 137  
statement that clearly describes the specific purpose of the 138  
notice or advertisement, and includes a statement that the notice 139  
or advertisement is posted in its entirety on the state official 140  
public notice web site. The notice or advertisement also may be 141  
posted on the state agency's or political subdivision's internet 142  
web site. 143

(4) It includes the internet ~~addresses~~ address of the ~~state~~ 144  
official public notice web site, ~~and of the newspaper's and state~~ 145  
~~agency's or political subdivision's internet web site if the~~ 146  
~~notice or advertisement is posted on those web sites, and the~~ 147

name, address, telephone number, and electronic mail address of 148  
the state agency, political subdivision, or other party 149  
responsible for publication of the notice or advertisement. 150

(C) A notice or advertisement published under this section on 151  
an internet web site shall be published in its entirety in 152  
accordance with the section of the Revised Code or the 153  
administrative rule that requires the publication. 154

(D) If the ~~state~~ official public notice web site established 155  
under section 125.182 of the Revised Code is not operational, the 156  
state agency or political subdivision shall not publish a notice 157  
or advertisement under this section, but instead shall comply with 158  
the publication requirements of the section of the Revised Code or 159  
the administrative rule that refers to this section. 160

**Sec. 9.482.** (A) As used in this section, ~~"political:~~ 161

(1) "Political subdivision" has the meaning defined in 162  
section 2744.01 of the Revised Code. 163

(2) "State agency" means any organized body, office, agency, 164  
institution, or other entity established by the laws of the state 165  
for the exercise of any function of state government. The term 166  
includes a state institution of higher education as defined in 167  
section 3345.011 of the Revised Code. 168

(B)(1) When legally authorized ~~by their respective~~ 169  
~~legislative authorities to do so~~, a political subdivision may 170  
enter into an agreement with another political subdivision or a 171  
state agency whereby a the contracting political subdivision or 172  
state agency agrees to exercise any power, perform any function, 173  
or render any service for ~~another~~ the contracting recipient 174  
political subdivision that the contracting recipient political 175  
subdivision is otherwise legally authorized to exercise, perform, 176  
or render. 177

~~In~~ (2) When legally authorized to do so, a state agency may enter into an agreement with a political subdivision whereby the contracting political subdivision agrees to exercise any power, perform any function, or render any service for the contracting recipient state agency that the contracting recipient state agency is otherwise legally authorized to exercise, perform, or render.

(C) In the absence in the agreement of provisions determining by what officer, office, department, agency, or other authority the powers and duties of a contracting political subdivision shall be exercised or performed, the legislative authority of the contracting political subdivision shall determine and assign the powers and duties.

An agreement shall not suspend the possession by a contracting recipient political subdivision or state agency of any power or function that is exercised or performed on its behalf by ~~another~~ the other contracting political subdivision or the contracting state agency under the agreement.

A political subdivision shall not enter into an agreement to levy any tax or to exercise, with regard to public moneys, any investment powers, perform any investment function, or render any investment service on behalf of a contracting subdivision. Nothing in this paragraph prohibits a political subdivision from entering into an agreement to collect, administer, or enforce any tax on behalf of another political subdivision or to limit the authority of political subdivisions to create and operate joint economic development zones or joint economic development districts as provided in sections 715.69 to 715.83 of the Revised Code.

~~(C)~~(D) No county elected officer may be required to exercise any power, perform any function, or render any service under an agreement entered into under this section without the written consent of the county elected officer. No county may enter into an agreement under this section for the exercise, performance, or

rendering of any statutory powers, functions, or services of any 210  
county elected officer without the written consent of the county 211  
elected officer. 212

~~(D)~~(E) No power shall be exercised, no function shall be 213  
performed, and no service shall be rendered by a contracting 214  
political subdivision or state agency pursuant to an agreement 215  
entered into under this section within a political subdivision 216  
that is not a party to the agreement, without first obtaining the 217  
written consent of the political subdivision that is not a party 218  
to the agreement and within which the power is to be exercised, a 219  
function is to be performed, or a service is to be rendered. 220

~~(E)~~(F) Chapter 2744. of the Revised Code, insofar as it 221  
applies to the operation of a political subdivision, applies to 222  
the political subdivisions that are parties to an agreement and to 223  
their employees when they are rendering a service outside the 224  
boundaries of their employing political subdivision under the 225  
agreement. Employees acting outside the boundaries of their 226  
employing political subdivision while providing a service under an 227  
agreement may participate in any pension or indemnity fund 228  
established by the political subdivision to the same extent as 229  
while they are acting within the boundaries of the political 230  
subdivision, and are entitled to all the rights and benefits of 231  
Chapter 4123. of the Revised Code to the same extent as while they 232  
are performing a service within the boundaries of the political 233  
subdivision. 234

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 235  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 236  
a completed form prescribed pursuant to division (C)(1) of this 237  
section, and a set of fingerprint impressions obtained in the 238  
manner described in division (C)(2) of this section, the 239  
superintendent of the bureau of criminal identification and 240



investigation shall conduct a criminal records check in the manner 241  
described in division (B) of this section to determine whether any 242  
information exists that indicates that the person who is the 243  
subject of the request previously has been convicted of or pleaded 244  
guilty to any of the following: 245

(a) A violation of section 2903.01, 2903.02, 2903.03, 246  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 247  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 248  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 249  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 250  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 251  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 252  
2925.06, or 3716.11 of the Revised Code, felonious sexual 253  
penetration in violation of former section 2907.12 of the Revised 254  
Code, a violation of section 2905.04 of the Revised Code as it 255  
existed prior to July 1, 1996, a violation of section 2919.23 of 256  
the Revised Code that would have been a violation of section 257  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 258  
had the violation been committed prior to that date, or a 259  
violation of section 2925.11 of the Revised Code that is not a 260  
minor drug possession offense; 261

(b) A violation of an existing or former law of this state, 262  
any other state, or the United States that is substantially 263  
equivalent to any of the offenses listed in division (A)(1)(a) of 264  
this section; 265

(c) If the request is made pursuant to section 3319.39 of the 266  
Revised Code for an applicant who is a teacher, any offense 267  
specified in section 3319.31 of the Revised Code. 268

(2) On receipt of a request pursuant to section 3712.09 or 269  
3721.121 of the Revised Code, a completed form prescribed pursuant 270  
to division (C)(1) of this section, and a set of fingerprint 271  
impressions obtained in the manner described in division (C)(2) of 272

this section, the superintendent of the bureau of criminal 273  
identification and investigation shall conduct a criminal records 274  
check with respect to any person who has applied for employment in 275  
a position for which a criminal records check is required by those 276  
sections. The superintendent shall conduct the criminal records 277  
check in the manner described in division (B) of this section to 278  
determine whether any information exists that indicates that the 279  
person who is the subject of the request previously has been 280  
convicted of or pleaded guilty to any of the following: 281

(a) A violation of section 2903.01, 2903.02, 2903.03, 282  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 283  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 284  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 285  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 286  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 287  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 288  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 289  
2925.22, 2925.23, or 3716.11 of the Revised Code; 290

(b) An existing or former law of this state, any other state, 291  
or the United States that is substantially equivalent to any of 292  
the offenses listed in division (A)(2)(a) of this section. 293

(3) On receipt of a request pursuant to section 173.27, 294  
173.38, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 295  
5123.169 of the Revised Code, a completed form prescribed pursuant 296  
to division (C)(1) of this section, and a set of fingerprint 297  
impressions obtained in the manner described in division (C)(2) of 298  
this section, the superintendent of the bureau of criminal 299  
identification and investigation shall conduct a criminal records 300  
check of the person for whom the request is made. The 301  
superintendent shall conduct the criminal records check in the 302  
manner described in division (B) of this section to determine 303  
whether any information exists that indicates that the person who 304

is the subject of the request previously has been convicted of, 305  
has or pleaded guilty to, ~~or (except in the case of a request~~ 306  
~~pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised~~ 307  
~~Code) has been found eligible for intervention in lieu of~~ 308  
~~conviction for any of the following, regardless of the date of the~~ 309  
~~conviction, the date or of the entry of the guilty plea, ~~or~~ 310  
~~(except in the case of a request pursuant to section 5164.34,~~ 311  
~~5164.341, or 5164.342 of the Revised Code) the date the person was~~ 312  
~~found eligible for intervention in lieu of conviction:~~ 313~~

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 314  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 315  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 316  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 317  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 318  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 319  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 320  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 321  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 322  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 323  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 324  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 325  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 326  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 327  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 328  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 329  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 330  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 331  
2927.12, or 3716.11 of the Revised Code; 332

(b) Felonious sexual penetration in violation of former 333  
section 2907.12 of the Revised Code; 334

(c) A violation of section 2905.04 of the Revised Code as it 335  
existed prior to July 1, 1996; 336

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 337  
the Revised Code when the underlying offense that is the object of 338  
the conspiracy, attempt, or complicity is one of the offenses 339  
listed in divisions (A)(3)(a) to (c) of this section; 340

(e) A violation of an existing or former municipal ordinance 341  
or law of this state, any other state, or the United States that 342  
is substantially equivalent to any of the offenses listed in 343  
divisions (A)(3)(a) to (d) of this section. 344

(4) On receipt of a request pursuant to section 2151.86 of 345  
the Revised Code, a completed form prescribed pursuant to division 346  
(C)(1) of this section, and a set of fingerprint impressions 347  
obtained in the manner described in division (C)(2) of this 348  
section, the superintendent of the bureau of criminal 349  
identification and investigation shall conduct a criminal records 350  
check in the manner described in division (B) of this section to 351  
determine whether any information exists that indicates that the 352  
person who is the subject of the request previously has been 353  
convicted of or pleaded guilty to any of the following: 354

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 355  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 356  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 357  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 358  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 359  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 360  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 361  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 362  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 363  
of the Revised Code, a violation of section 2905.04 of the Revised 364  
Code as it existed prior to July 1, 1996, a violation of section 365  
2919.23 of the Revised Code that would have been a violation of 366  
section 2905.04 of the Revised Code as it existed prior to July 1, 367  
1996, had the violation been committed prior to that date, a 368

violation of section 2925.11 of the Revised Code that is not a 369  
minor drug possession offense, two or more OVI or OVUAC violations 370  
committed within the three years immediately preceding the 371  
submission of the application or petition that is the basis of the 372  
request, or felonious sexual penetration in violation of former 373  
section 2907.12 of the Revised Code; 374

(b) A violation of an existing or former law of this state, 375  
any other state, or the United States that is substantially 376  
equivalent to any of the offenses listed in division (A)(4)(a) of 377  
this section. 378

(5) Upon receipt of a request pursuant to section 5104.012 or 379  
5104.013 of the Revised Code, a completed form prescribed pursuant 380  
to division (C)(1) of this section, and a set of fingerprint 381  
impressions obtained in the manner described in division (C)(2) of 382  
this section, the superintendent of the bureau of criminal 383  
identification and investigation shall conduct a criminal records 384  
check in the manner described in division (B) of this section to 385  
determine whether any information exists that indicates that the 386  
person who is the subject of the request has been convicted of or 387  
pleaded guilty to any of the following: 388

(a) A violation of section 2903.01, 2903.02, 2903.03, 389  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 390  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 391  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 392  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 393  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 394  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 395  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 396  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 397  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 398  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 399  
3716.11 of the Revised Code, felonious sexual penetration in 400

violation of former section 2907.12 of the Revised Code, a 401  
violation of section 2905.04 of the Revised Code as it existed 402  
prior to July 1, 1996, a violation of section 2919.23 of the 403  
Revised Code that would have been a violation of section 2905.04 404  
of the Revised Code as it existed prior to July 1, 1996, had the 405  
violation been committed prior to that date, a violation of 406  
section 2925.11 of the Revised Code that is not a minor drug 407  
possession offense, a violation of section 2923.02 or 2923.03 of 408  
the Revised Code that relates to a crime specified in this 409  
division, or a second violation of section 4511.19 of the Revised 410  
Code within five years of the date of application for licensure or 411  
certification. 412

(b) A violation of an existing or former law of this state, 413  
any other state, or the United States that is substantially 414  
equivalent to any of the offenses or violations described in 415  
division (A)(5)(a) of this section. 416

(6) Upon receipt of a request pursuant to section 5153.111 of 417  
the Revised Code, a completed form prescribed pursuant to division 418  
(C)(1) of this section, and a set of fingerprint impressions 419  
obtained in the manner described in division (C)(2) of this 420  
section, the superintendent of the bureau of criminal 421  
identification and investigation shall conduct a criminal records 422  
check in the manner described in division (B) of this section to 423  
determine whether any information exists that indicates that the 424  
person who is the subject of the request previously has been 425  
convicted of or pleaded guilty to any of the following: 426

(a) A violation of section 2903.01, 2903.02, 2903.03, 427  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 428  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 429  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 430  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 431  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 432

2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 433  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 434  
felonious sexual penetration in violation of former section 435  
2907.12 of the Revised Code, a violation of section 2905.04 of the 436  
Revised Code as it existed prior to July 1, 1996, a violation of 437  
section 2919.23 of the Revised Code that would have been a 438  
violation of section 2905.04 of the Revised Code as it existed 439  
prior to July 1, 1996, had the violation been committed prior to 440  
that date, or a violation of section 2925.11 of the Revised Code 441  
that is not a minor drug possession offense; 442

(b) A violation of an existing or former law of this state, 443  
any other state, or the United States that is substantially 444  
equivalent to any of the offenses listed in division (A)(6)(a) of 445  
this section. 446

(7) On receipt of a request for a criminal records check from 447  
an individual pursuant to section 4749.03 or 4749.06 of the 448  
Revised Code, accompanied by a completed copy of the form 449  
prescribed in division (C)(1) of this section and a set of 450  
fingerprint impressions obtained in a manner described in division 451  
(C)(2) of this section, the superintendent of the bureau of 452  
criminal identification and investigation shall conduct a criminal 453  
records check in the manner described in division (B) of this 454  
section to determine whether any information exists indicating 455  
that the person who is the subject of the request has been 456  
convicted of or pleaded guilty to a felony in this state or in any 457  
other state. If the individual indicates that a firearm will be 458  
carried in the course of business, the superintendent shall 459  
require information from the federal bureau of investigation as 460  
described in division (B)(2) of this section. Subject to division 461  
(F) of this section, the superintendent shall report the findings 462  
of the criminal records check and any information the federal 463  
bureau of investigation provides to the director of public safety. 464

(8) On receipt of a request pursuant to section 1321.37, 465  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 466  
Code, a completed form prescribed pursuant to division (C)(1) of 467  
this section, and a set of fingerprint impressions obtained in the 468  
manner described in division (C)(2) of this section, the 469  
superintendent of the bureau of criminal identification and 470  
investigation shall conduct a criminal records check with respect 471  
to any person who has applied for a license, permit, or 472  
certification from the department of commerce or a division in the 473  
department. The superintendent shall conduct the criminal records 474  
check in the manner described in division (B) of this section to 475  
determine whether any information exists that indicates that the 476  
person who is the subject of the request previously has been 477  
convicted of or pleaded guilty to any of the following: a 478  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 479  
2925.03 of the Revised Code; any other criminal offense involving 480  
theft, receiving stolen property, embezzlement, forgery, fraud, 481  
passing bad checks, money laundering, or drug trafficking, or any 482  
criminal offense involving money or securities, as set forth in 483  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 484  
the Revised Code; or any existing or former law of this state, any 485  
other state, or the United States that is substantially equivalent 486  
to those offenses. 487

(9) On receipt of a request for a criminal records check from 488  
the treasurer of state under section 113.041 of the Revised Code 489  
or from an individual under section 4701.08, 4715.101, 4717.061, 490  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 491  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 492  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 493  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 494  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 495  
accompanied by a completed form prescribed under division (C)(1) 496  
of this section and a set of fingerprint impressions obtained in 497



the manner described in division (C)(2) of this section, the 498  
superintendent of the bureau of criminal identification and 499  
investigation shall conduct a criminal records check in the manner 500  
described in division (B) of this section to determine whether any 501  
information exists that indicates that the person who is the 502  
subject of the request has been convicted of or pleaded guilty to 503  
any criminal offense in this state or any other state. Subject to 504  
division (F) of this section, the superintendent shall send the 505  
results of a check requested under section 113.041 of the Revised 506  
Code to the treasurer of state and shall send the results of a 507  
check requested under any of the other listed sections to the 508  
licensing board specified by the individual in the request. 509

(10) On receipt of a request pursuant to section 1121.23, 510  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 511  
Code, a completed form prescribed pursuant to division (C)(1) of 512  
this section, and a set of fingerprint impressions obtained in the 513  
manner described in division (C)(2) of this section, the 514  
superintendent of the bureau of criminal identification and 515  
investigation shall conduct a criminal records check in the manner 516  
described in division (B) of this section to determine whether any 517  
information exists that indicates that the person who is the 518  
subject of the request previously has been convicted of or pleaded 519  
guilty to any criminal offense under any existing or former law of 520  
this state, any other state, or the United States. 521

(11) On receipt of a request for a criminal records check 522  
from an appointing or licensing authority under section 3772.07 of 523  
the Revised Code, a completed form prescribed under division 524  
(C)(1) of this section, and a set of fingerprint impressions 525  
obtained in the manner prescribed in division (C)(2) of this 526  
section, the superintendent of the bureau of criminal 527  
identification and investigation shall conduct a criminal records 528  
check in the manner described in division (B) of this section to 529

determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person for whom a criminal records check is required by that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(12)(a) of this section.

(B) Subject to division (F) of this section, the 562  
superintendent shall conduct any criminal records check to be 563  
conducted under this section as follows: 564

(1) The superintendent shall review or cause to be reviewed 565  
any relevant information gathered and compiled by the bureau under 566  
division (A) of section 109.57 of the Revised Code that relates to 567  
the person who is the subject of the criminal records check, 568  
including, if the criminal records check was requested under 569  
section 113.041, 121.08, 173.27, 173.38, 1121.23, 1155.03, 570  
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 571  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 572  
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 573  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 574  
5153.111 of the Revised Code, any relevant information contained 575  
in records that have been sealed under section 2953.32 of the 576  
Revised Code; 577

(2) If the request received by the superintendent asks for 578  
information from the federal bureau of investigation, the 579  
superintendent shall request from the federal bureau of 580  
investigation any information it has with respect to the person 581  
who is the subject of the criminal records check, including 582  
fingerprint-based checks of national crime information databases 583  
as described in 42 U.S.C. 671 if the request is made pursuant to 584  
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 585  
any other Revised Code section requires fingerprint-based checks 586  
of that nature, and shall review or cause to be reviewed any 587  
information the superintendent receives from that bureau. If a 588  
request under section 3319.39 of the Revised Code asks only for 589  
information from the federal bureau of investigation, the 590  
superintendent shall not conduct the review prescribed by division 591  
(B)(1) of this section. 592

(3) The superintendent or the superintendent's designee may 593

request criminal history records from other states or the federal 594  
government pursuant to the national crime prevention and privacy 595  
compact set forth in section 109.571 of the Revised Code. 596

(4) The superintendent shall include in the results of the 597  
criminal records check a list or description of the offenses 598  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 599  
(7), (8), (9), (10), (11), or (12) of this section, whichever 600  
division requires the superintendent to conduct the criminal 601  
records check. The superintendent shall exclude from the results 602  
any information the dissemination of which is prohibited by 603  
federal law. 604

(5) The superintendent shall send the results of the criminal 605  
records check to the person to whom it is to be sent not later 606  
than the following number of days after the date the 607  
superintendent receives the request for the criminal records 608  
check, the completed form prescribed under division (C)(1) of this 609  
section, and the set of fingerprint impressions obtained in the 610  
manner described in division (C)(2) of this section: 611

(a) If the superintendent is required by division (A) of this 612  
section (other than division (A)(3) of this section) to conduct 613  
the criminal records check, thirty; 614

(b) If the superintendent is required by division (A)(3) of 615  
this section to conduct the criminal records check, sixty. 616

(C)(1) The superintendent shall prescribe a form to obtain 617  
the information necessary to conduct a criminal records check from 618  
any person for whom a criminal records check is to be conducted 619  
under this section. The form that the superintendent prescribes 620  
pursuant to this division may be in a tangible format, in an 621  
electronic format, or in both tangible and electronic formats. 622

(2) The superintendent shall prescribe standard impression 623  
sheets to obtain the fingerprint impressions of any person for 624

whom a criminal records check is to be conducted under this 625  
section. Any person for whom a records check is to be conducted 626  
under this section shall obtain the fingerprint impressions at a 627  
county sheriff's office, municipal police department, or any other 628  
entity with the ability to make fingerprint impressions on the 629  
standard impression sheets prescribed by the superintendent. The 630  
office, department, or entity may charge the person a reasonable 631  
fee for making the impressions. The standard impression sheets the 632  
superintendent prescribes pursuant to this division may be in a 633  
tangible format, in an electronic format, or in both tangible and 634  
electronic formats. 635

(3) Subject to division (D) of this section, the 636  
superintendent shall prescribe and charge a reasonable fee for 637  
providing a criminal records check under this section. The person 638  
requesting the criminal records check shall pay the fee prescribed 639  
pursuant to this division. In the case of a request under section 640  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 641  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 642  
the manner specified in that section. 643

(4) The superintendent of the bureau of criminal 644  
identification and investigation may prescribe methods of 645  
forwarding fingerprint impressions and information necessary to 646  
conduct a criminal records check, which methods shall include, but 647  
not be limited to, an electronic method. 648

(D) The results of a criminal records check conducted under 649  
this section, other than a criminal records check specified in 650  
division (A)(7) of this section, are valid for the person who is 651  
the subject of the criminal records check for a period of one year 652  
from the date upon which the superintendent completes the criminal 653  
records check. If during that period the superintendent receives 654  
another request for a criminal records check to be conducted under 655  
this section for that person, the superintendent shall provide the 656

results from the previous criminal records check of the person at 657  
a lower fee than the fee prescribed for the initial criminal 658  
records check. 659

(E) When the superintendent receives a request for 660  
information from a registered private provider, the superintendent 661  
shall proceed as if the request was received from a school 662  
district board of education under section 3319.39 of the Revised 663  
Code. The superintendent shall apply division (A)(1)(c) of this 664  
section to any such request for an applicant who is a teacher. 665

(F)(1) All information regarding the results of a criminal 666  
records check conducted under this section that the superintendent 667  
reports or sends under division (A)(7) or (9) of this section to 668  
the director of public safety, the treasurer of state, or the 669  
person, board, or entity that made the request for the criminal 670  
records check shall relate to the conviction of the subject 671  
person, or the subject person's plea of guilty to, a criminal 672  
offense. 673

(2) Division (F)(1) of this section does not limit, restrict, 674  
or preclude the superintendent's release of information that 675  
relates to an adjudication of a child as a delinquent child, or 676  
that relates to a criminal conviction of a person under eighteen 677  
years of age if the person's case was transferred back to a 678  
juvenile court under division (B)(2) or (3) of section 2152.121 of 679  
the Revised Code and the juvenile court imposed a disposition or 680  
serious youthful offender disposition upon the person under either 681  
division, if either of the following applies with respect to the 682  
adjudication or conviction: 683

(a) The adjudication or conviction was for a violation of 684  
section 2903.01 or 2903.02 of the Revised Code. 685

(b) The adjudication or conviction was for a sexually 686  
oriented offense, as defined in section 2950.01 of the Revised 687

Code, the juvenile court was required to classify the child a 688  
juvenile offender registrant for that offense under section 689  
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 690  
classification has not been removed. 691

(G) As used in this section: 692

(1) "Criminal records check" means any criminal records check 693  
conducted by the superintendent of the bureau of criminal 694  
identification and investigation in accordance with division (B) 695  
of this section. 696

(2) "Minor drug possession offense" has the same meaning as 697  
in section 2925.01 of the Revised Code. 698

(3) "OVI or OVUAC violation" means a violation of section 699  
4511.19 of the Revised Code or a violation of an existing or 700  
former law of this state, any other state, or the United States 701  
that is substantially equivalent to section 4511.19 of the Revised 702  
Code. 703

(4) "Registered private provider" means a nonpublic school or 704  
entity registered with the superintendent of public instruction 705  
under section 3310.41 of the Revised Code to participate in the 706  
autism scholarship program or section 3310.58 of the Revised Code 707  
to participate in the Jon Peterson special needs scholarship 708  
program. 709

**Sec. 109.5721.** (A) As used in this section: 710

(1) "Employment" includes volunteer service. 711

(2) "Licensure" means the authorization, evidenced by a 712  
license, certificate, registration, permit, or other authority 713  
that is issued or conferred by a public office, to engage in a 714  
profession, occupation, or occupational activity, to be a foster 715  
caregiver, or to have control of and operate certain specific 716  
equipment, machinery, or premises over which a public office has 717

jurisdiction. 718

(3) "Participating public office" means a public office that 719  
requires a fingerprint background check as a condition of 720  
employment with, licensure by, or approval for adoption by the 721  
public office and that elects to receive notice under division (C) 722  
of this section in accordance with rules adopted by the attorney 723  
general. 724

(4) "Public office" has the same meaning as in section 117.01 725  
of the Revised Code. 726

(5) "Participating private party" means any person or private 727  
entity that is allowed to request a criminal records check 728  
pursuant to divisions (A)(2) or (3) of section 109.572 of the 729  
Revised Code. 730

(B) Within six months after August 15, 2007, the 731  
superintendent of the bureau of criminal identification and 732  
investigation shall establish and maintain a database of 733  
fingerprints of individuals on whom the bureau has conducted 734  
criminal records checks for the purpose of determining eligibility 735  
for employment with, licensure by, or approval for adoption by a 736  
public office or participating private party. The superintendent 737  
shall maintain the database separate and apart from other records 738  
maintained by the bureau. The database shall be known as the 739  
retained applicant fingerprint database. 740

(C) When the superintendent receives information that an 741  
individual whose name is in the retained applicant fingerprint 742  
database has been arrested for, convicted of, or pleaded guilty to 743  
any offense, the superintendent shall promptly notify any 744  
participating public office or participating private party that 745  
employs, licensed, or approved the individual of the arrest, 746  
conviction, or guilty plea. The public office or participating 747  
private party that receives the notification and its employees and 748



officers shall use the information contained in the notification 749  
solely to determine the individual's eligibility for continued 750  
employment with the public office or participating private party, 751  
to retain licensure issued by the public office, or to be approved 752  
for adoption by the public office. The public office or 753  
participating private party and its employees and officers shall 754  
not disclose that information to any person for any other purpose. 755

(D) If an individual has submitted fingerprint impressions 756  
for employment with, licensure by, or approval for adoption by a 757  
participating public office or participating private party and 758  
seeks employment with, licensure by, or approval for adoption by 759  
another participating public office or participating private 760  
party, the other public office or participating private party 761  
shall reprint the individual. If an individual has been reprinted, 762  
the superintendent shall update that individual's information 763  
accordingly. 764

(E) The bureau of criminal identification and investigation 765  
and the participating public office or participating private party 766  
shall use information contained in the retained applicant 767  
fingerprint database and in the notice described in division (C) 768  
of this section for the purpose of employment with, licensure by, 769  
or approval for adoption by the participating public office or 770  
participating private party. This information is otherwise 771  
confidential and not a public record under section 149.43 of the 772  
Revised Code. 773

(F) The attorney general shall adopt rules in accordance with 774  
Chapter 119. of the Revised Code governing the operation and 775  
maintenance of the database. The rules shall provide for, but not 776  
be limited to, both of the following: 777

(1) The expungement or sealing of records of individuals who 778  
are deceased or who are no longer employed, granted licensure, or 779  
approved for adoption by the public office or participating 780

private party that required submission of the individual's 781  
fingerprints; 782

(2) The terms under which a public office or participating 783  
private party may elect to receive notification under division (C) 784  
of this section, including payment of any reasonable fee that may 785  
be charged for the purpose. 786

(G) No public office or employee of a public office shall be 787  
considered negligent in a civil action solely because the public 788  
office did not elect to be a participating public office. 789

(H)(1) No person shall knowingly use information contained in 790  
or received from the retained applicant fingerprint database for 791  
purposes not authorized by this section. 792

(2) No person shall knowingly use information contained in or 793  
received from the retained applicant fingerprint database with the 794  
intent to harass or intimidate another person. 795

(3) Whoever violates division (H)(1) or (H)(2) of this 796  
section is guilty of unlawful use of retained applicant 797  
fingerprint database records. A violation of division (H)(1) of 798  
this section is a misdemeanor of the fourth degree. A violation of 799  
division (H)(2) of this section is a misdemeanor of the first 800  
degree. 801

**Sec. 111.15.** (A) As used in this section: 802

(1) "Rule" includes any rule, regulation, bylaw, or standard 803  
having a general and uniform operation adopted by an agency under 804  
the authority of the laws governing the agency; any appendix to a 805  
rule; and any internal management rule. "Rule" does not include 806  
any guideline adopted pursuant to section 3301.0714 of the Revised 807  
Code, any order respecting the duties of employees, any finding, 808  
any determination of a question of law or fact in a matter 809  
presented to an agency, or any rule promulgated pursuant to 810

Chapter 119., section 4141.14, division (C)(1) or (2) of section 811  
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 812  
any amendment or rescission of a rule. 813

(2) "Agency" means any governmental entity of the state and 814  
includes, but is not limited to, any board, department, division, 815  
commission, bureau, society, council, institution, state college 816  
or university, community college district, technical college 817  
district, or state community college. "Agency" does not include 818  
the general assembly, the controlling board, the adjutant 819  
general's department, or any court. 820

(3) "Internal management rule" means any rule, regulation, 821  
bylaw, or standard governing the day-to-day staff procedures and 822  
operations within an agency. 823

(4) "Substantive revision" has the same meaning as in 824  
division (J) of section 119.01 of the Revised Code. 825

(B)(1) Any rule, other than a rule of an emergency nature, 826  
adopted by any agency pursuant to this section shall be effective 827  
on the tenth day after the day on which the rule in final form and 828  
in compliance with division (B)(3) of this section is filed as 829  
follows: 830

(a) The rule shall be filed in electronic form with both the 831  
secretary of state and the director of the legislative service 832  
commission; 833

(b) The rule shall be filed in electronic form with the joint 834  
committee on agency rule review. Division (B)(1)(b) of this 835  
section does not apply to any rule to which division (D) of this 836  
section does not apply. 837

An agency that adopts or amends a rule that is subject to 838  
division (D) of this section shall assign a review date to the 839  
rule that is not later than five years after its effective date. 840  
If no review date is assigned to a rule, or if a review date 841

assigned to a rule exceeds the five-year maximum, the review date 842  
for the rule is five years after its effective date. A rule with a 843  
review date is subject to review under section 119.032 of the 844  
Revised Code. This paragraph does not apply to a rule of a state 845  
college or university, community college district, technical 846  
college district, or state community college. 847

If all filings are not completed on the same day, the rule 848  
shall be effective on the tenth day after the day on which the 849  
latest filing is completed. If an agency in adopting a rule 850  
designates an effective date that is later than the effective date 851  
provided for by division (B)(1) of this section, the rule if filed 852  
as required by such division shall become effective on the later 853  
date designated by the agency. 854

Any rule that is required to be filed under division (B)(1) 855  
of this section is also subject to division (D) of this section if 856  
not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 857  
(8) of this section. 858

If a rule incorporates a text or other material by reference, 859  
the agency shall comply with sections 121.71 to 121.76 of the 860  
Revised Code. 861

(2) A rule of an emergency nature necessary for the immediate 862  
preservation of the public peace, health, or safety shall state 863  
the reasons for the necessity. The emergency rule, in final form 864  
and in compliance with division (B)(3) of this section, shall be 865  
filed in electronic form with the secretary of state, the director 866  
of the legislative service commission, and the joint committee on 867  
agency rule review. The emergency rule is effective immediately 868  
upon completion of the latest filing, except that if the agency in 869  
adopting the emergency rule designates an effective date, or date 870  
and time of day, that is later than the effective date and time 871  
provided for by division (B)(2) of this section, the emergency 872  
rule if filed as required by such division shall become effective 873

at the later date, or later date and time of day, designated by 874  
the agency. 875

An emergency rule becomes invalid at the end of the ~~ninetieth~~ 876  
one hundred twentieth day it is in effect. Prior to that date, the 877  
agency may file the emergency rule as a nonemergency rule in 878  
compliance with division (B)(1) of this section. The agency may 879  
not refile the emergency rule in compliance with division (B)(2) 880  
of this section so that, upon the emergency rule becoming invalid 881  
under such division, the emergency rule will continue in effect 882  
without interruption for another ~~ninety-day~~ one hundred twenty-day 883  
period. 884

(3) An agency shall file a rule under division (B)(1) or (2) 885  
of this section in compliance with the following standards and 886  
procedures: 887

(a) The rule shall be numbered in accordance with the 888  
numbering system devised by the director for the Ohio 889  
administrative code. 890

(b) The rule shall be prepared and submitted in compliance 891  
with the rules of the legislative service commission. 892

(c) The rule shall clearly state the date on which it is to 893  
be effective and the date on which it will expire, if known. 894

(d) Each rule that amends or rescinds another rule shall 895  
clearly refer to the rule that is amended or rescinded. Each 896  
amendment shall fully restate the rule as amended. 897

If the director of the legislative service commission or the 898  
director's designee gives an agency notice pursuant to section 899  
103.05 of the Revised Code that a rule filed by the agency is not 900  
in compliance with the rules of the legislative service 901  
commission, the agency shall within thirty days after receipt of 902  
the notice conform the rule to the rules of the commission as 903  
directed in the notice. 904

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 905  
of this section shall be recorded by the secretary of state and 906  
the director under the title of the agency adopting the rule and 907  
shall be numbered according to the numbering system devised by the 908  
director. The secretary of state and the director shall preserve 909  
the rules in an accessible manner. Each such rule shall be a 910  
public record open to public inspection and may be transmitted to 911  
any law publishing company that wishes to reproduce it. 912

(D) At least sixty-five days before a board, commission, 913  
department, division, or bureau of the government of the state 914  
files a rule under division (B)(1) of this section, it shall file 915  
the full text of the proposed rule in electronic form with the 916  
joint committee on agency rule review, and the proposed rule is 917  
subject to legislative review and invalidation under division (I) 918  
of section 119.03 of the Revised Code. If a state board, 919  
commission, department, division, or bureau makes a substantive 920  
revision in a proposed rule after it is filed with the joint 921  
committee, the state board, commission, department, division, or 922  
bureau shall promptly file the full text of the proposed rule in 923  
its revised form in electronic form with the joint committee. The 924  
latest version of a proposed rule as filed with the joint 925  
committee supersedes each earlier version of the text of the same 926  
proposed rule. A state board, commission, department, division, or 927  
bureau shall also file the rule summary and fiscal analysis 928  
prepared under section 127.18 of the Revised Code in electronic 929  
form along with a proposed rule, and along with a proposed rule in 930  
revised form, that is filed under this division. If a proposed 931  
rule has an adverse impact on businesses, the state board, 932  
commission, department, division, or bureau also shall file the 933  
business impact analysis, any recommendations received from the 934  
common sense initiative office, and the associated memorandum of 935  
response, if any, in electronic form along with the proposed rule, 936  
or the proposed rule in revised form, that is filed under this 937

division.	938
As used in this division, "commission" includes the public utilities commission when adopting rules under a federal or state statute.	939 940 941
This division does not apply to any of the following:	942
(1) A proposed rule of an emergency nature;	943
(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	944 945 946 947
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	948 949 950
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	951 952 953
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	954 955 956 957 958
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	959 960
(b) A citation to the federal law or rule that requires verbatim compliance.	961 962
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a facility listed in division (A)(4) of	963 964 965 966 967

section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;

(7) A rule of the state lottery commission pertaining to instant game rules.

If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to which the rule was adopted expires, is repealed or rescinded, or otherwise terminates, the rule is thereafter subject to legislative review under division (D) of this section.

(E) Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. A state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section 127.18 of the Revised Code in electronic form along with a proposed rule or proposed rule in revised form that is filed with the secretary of state or the director of the legislative service commission.

**Sec. 119.03.** In the adoption, amendment, or rescission of any rule, an agency shall comply with the following procedure:

(A) Reasonable public notice shall be given in the register of Ohio at least thirty days prior to the date set for a hearing, in the form the agency determines. The agency shall file copies of the public notice under division (B) of this section. (The agency gives public notice in the register of Ohio when the public notice is published in the register under that division.)

The public notice shall include:

(1) A statement of the agency's intention to consider



adopting, amending, or rescinding a rule; 998

(2) A synopsis of the proposed rule, amendment, or rule to be 999  
rescinded or a general statement of the subject matter to which 1000  
the proposed rule, amendment, or rescission relates; 1001

(3) A statement of the reason or purpose for adopting, 1002  
amending, or rescinding the rule; 1003

(4) The date, time, and place of a hearing on the proposed 1004  
action, which shall be not earlier than the thirty-first nor later 1005  
than the fortieth day after the proposed rule, amendment, or 1006  
rescission is filed under division (B) of this section. 1007

In addition to public notice given in the register of Ohio, 1008  
the agency may give whatever other notice it reasonably considers 1009  
necessary to ensure notice constructively is given to all persons 1010  
who are subject to or affected by the proposed rule, amendment, or 1011  
rescission. 1012

The agency shall provide a copy of the public notice required 1013  
under division (A) of this section to any person who requests it 1014  
and pays a reasonable fee, not to exceed the cost of copying and 1015  
mailing. 1016

(B) The full text of the proposed rule, amendment, or rule to 1017  
be rescinded, accompanied by the public notice required under 1018  
division (A) of this section, shall be filed in electronic form 1019  
with the secretary of state and with the director of the 1020  
legislative service commission. (If in compliance with this 1021  
division an agency files more than one proposed rule, amendment, 1022  
or rescission at the same time, and has prepared a public notice 1023  
under division (A) of this section that applies to more than one 1024  
of the proposed rules, amendments, or rescissions, the agency 1025  
shall file only one notice with the secretary of state and with 1026  
the director for all of the proposed rules, amendments, or 1027  
rescissions to which the notice applies.) The proposed rule, 1028

amendment, or rescission and public notice shall be filed as 1029  
required by this division at least sixty-five days prior to the 1030  
date on which the agency, in accordance with division (D) of this 1031  
section, issues an order adopting the proposed rule, amendment, or 1032  
rescission. 1033

If the proposed rule, amendment, or rescission incorporates a 1034  
text or other material by reference, the agency shall comply with 1035  
sections 121.71 to 121.76 of the Revised Code. 1036

The proposed rule, amendment, or rescission shall be 1037  
available for at least thirty days prior to the date of the 1038  
hearing at the office of the agency in printed or other legible 1039  
form without charge to any person affected by the proposal. 1040  
Failure to furnish such text to any person requesting it shall not 1041  
invalidate any action of the agency in connection therewith. 1042

If the agency files a substantive revision in the text of the 1043  
proposed rule, amendment, or rescission under division (H) of this 1044  
section, it shall also promptly file the full text of the proposed 1045  
rule, amendment, or rescission in its revised form in electronic 1046  
form with the secretary of state and with the director of the 1047  
legislative service commission. 1048

The agency shall file the rule summary and fiscal analysis 1049  
prepared under section 127.18 of the Revised Code in electronic 1050  
form along with a proposed rule, amendment, or rescission or 1051  
proposed rule, amendment, or rescission in revised form that is 1052  
filed with the secretary of state or the director of the 1053  
legislative service commission. 1054

The director of the legislative service commission shall 1055  
publish in the register of Ohio the full text of the original and 1056  
each revised version of a proposed rule, amendment, or rescission; 1057  
the full text of a public notice; and the full text of a rule 1058  
summary and fiscal analysis that is filed with the director under 1059

this division. 1060

(C) On the date and at the time and place designated in the 1061  
notice, the agency shall conduct a public hearing at which any 1062  
person affected by the proposed action of the agency may appear 1063  
and be heard in person, by the person's attorney, or both, may 1064  
present the person's position, arguments, or contentions, orally 1065  
or in writing, offer and examine witnesses, and present evidence 1066  
tending to show that the proposed rule, amendment, or rescission, 1067  
if adopted or effectuated, will be unreasonable or unlawful. An 1068  
agency may permit persons affected by the proposed rule, 1069  
amendment, or rescission to present their positions, arguments, or 1070  
contentions in writing, not only at the hearing, but also for a 1071  
reasonable period before, after, or both before and after the 1072  
hearing. A person who presents a position or arguments or 1073  
contentions in writing before or after the hearing is not required 1074  
to appear at the hearing. 1075

At the hearing, the testimony shall be recorded. Such record 1076  
shall be made at the expense of the agency. The agency is required 1077  
to transcribe a record that is not sight readable only if a person 1078  
requests transcription of all or part of the record and agrees to 1079  
reimburse the agency for the costs of the transcription. An agency 1080  
may require the person to pay in advance all or part of the cost 1081  
of the transcription. 1082

In any hearing under this section the agency may administer 1083  
oaths or affirmations. 1084

(D) After complying with divisions (A), (B), (C), and (H) of 1085  
this section, and when the time for legislative review and 1086  
invalidation under division (I) of this section has expired, the 1087  
agency may issue an order adopting the proposed rule or the 1088  
proposed amendment or rescission of the rule, consistent with the 1089  
synopsis or general statement included in the public notice. At 1090  
that time the agency shall designate the effective date of the 1091

rule, amendment, or rescission, which shall not be earlier than 1092  
the tenth day after the rule, amendment, or rescission has been 1093  
filed in its final form as provided in section 119.04 of the 1094  
Revised Code. 1095

(E) Prior to the effective date of a rule, amendment, or 1096  
rescission, the agency shall make a reasonable effort to inform 1097  
those affected by the rule, amendment, or rescission and to have 1098  
available for distribution to those requesting it the full text of 1099  
the rule as adopted or as amended. 1100

(F) If the governor, upon the request of an agency, 1101  
determines that an emergency requires the immediate adoption, 1102  
amendment, or rescission of a rule, the governor shall issue an 1103  
order, the text of which shall be filed in electronic form with 1104  
the agency, the secretary of state, the director of the 1105  
legislative service commission, and the joint committee on agency 1106  
rule review, that the procedure prescribed by this section with 1107  
respect to the adoption, amendment, or rescission of a specified 1108  
rule is suspended. The agency may then adopt immediately the 1109  
emergency rule, amendment, or rescission and it becomes effective 1110  
on the date the rule, amendment, or rescission, in final form and 1111  
in compliance with division (A)(2) of section 119.04 of the 1112  
Revised Code, is filed in electronic form with the secretary of 1113  
state, the director of the legislative service commission, and the 1114  
joint committee on agency rule review. If all filings are not 1115  
completed on the same day, the emergency rule, amendment, or 1116  
rescission shall be effective on the day on which the latest 1117  
filing is completed. The director shall publish the full text of 1118  
the emergency rule, amendment, or rescission in the register of 1119  
Ohio. 1120

The emergency rule, amendment, or rescission shall become 1121  
invalid at the end of the ~~ninetieth~~ one hundred twentieth day it 1122  
is in effect. Prior to that date the agency may adopt the 1123

emergency rule, amendment, or rescission as a nonemergency rule, 1124  
amendment, or rescission by complying with the procedure 1125  
prescribed by this section for the adoption, amendment, and 1126  
rescission of nonemergency rules. The agency shall not use the 1127  
procedure of this division to readopt the emergency rule, 1128  
amendment, or rescission so that, upon the emergency rule, 1129  
amendment, or rescission becoming invalid under this division, the 1130  
emergency rule, amendment, or rescission will continue in effect 1131  
without interruption for another ~~ninety-day~~ one hundred twenty-day 1132  
period, except when division (I)(2)(a) of this section prevents 1133  
the agency from adopting the emergency rule, amendment, or 1134  
rescission as a nonemergency rule, amendment, or rescission within 1135  
the ~~ninety-day~~ one hundred twenty-day period. 1136

This division does not apply to the adoption of any emergency 1137  
rule, amendment, or rescission by the tax commissioner under 1138  
division (C)(2) of section 5117.02 of the Revised Code. 1139

(G) Rules adopted by an authority within the department of 1140  
job and family services for the administration or enforcement of 1141  
Chapter 4141. of the Revised Code or of the department of taxation 1142  
shall be effective without a hearing as provided by this section 1143  
if the statutes pertaining to such agency specifically give a 1144  
right of appeal to the board of tax appeals or to a higher 1145  
authority within the agency or to a court, and also give the 1146  
appellant a right to a hearing on such appeal. This division does 1147  
not apply to the adoption of any rule, amendment, or rescission by 1148  
the tax commissioner under division (C)(1) or (2) of section 1149  
5117.02 of the Revised Code, or deny the right to file an action 1150  
for declaratory judgment as provided in Chapter 2721. of the 1151  
Revised Code from the decision of the board of tax appeals or of 1152  
the higher authority within such agency. 1153

(H) When any agency files a proposed rule, amendment, or 1154  
rescission under division (B) of this section, it shall also file 1155

in electronic form with the joint committee on agency rule review 1156  
the full text of the proposed rule, amendment, or rule to be 1157  
rescinded in the same form and the public notice required under 1158  
division (A) of this section. (If in compliance with this division 1159  
an agency files more than one proposed rule, amendment, or 1160  
rescission at the same time, and has given a public notice under 1161  
division (A) of this section that applies to more than one of the 1162  
proposed rules, amendments, or rescissions, the agency shall file 1163  
only one notice with the joint committee for all of the proposed 1164  
rules, amendments, or rescissions to which the notice applies.) If 1165  
the agency makes a substantive revision in a proposed rule, 1166  
amendment, or rescission after it is filed with the joint 1167  
committee, the agency shall promptly file the full text of the 1168  
proposed rule, amendment, or rescission in its revised form in 1169  
electronic form with the joint committee. The latest version of a 1170  
proposed rule, amendment, or rescission as filed with the joint 1171  
committee supersedes each earlier version of the text of the same 1172  
proposed rule, amendment, or rescission. An agency shall file the 1173  
rule summary and fiscal analysis prepared under section 127.18 of 1174  
the Revised Code in electronic form along with a proposed rule, 1175  
amendment, or rescission, and along with a proposed rule, 1176  
amendment, or rescission in revised form, that is filed under this 1177  
division. If a proposed rule, amendment, or rescission has an 1178  
adverse impact on businesses, the agency also shall file the 1179  
business impact analysis, any recommendations received from the 1180  
common sense initiative office, and the agency's memorandum of 1181  
response, if any, in electronic form along with the proposed rule, 1182  
amendment, or rescission, or along with the proposed rule, 1183  
amendment, or rescission in revised form, that is filed under this 1184  
division. 1185

This division does not apply to: 1186

(1) An emergency rule, amendment, or rescission; 1187

(2) Any proposed rule, amendment, or rescission that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:

(a) A statement that it is proposed for the purpose of complying with a federal law or rule;

(b) A citation to the federal law or rule that requires verbatim compliance.

If a rule or amendment is exempt from legislative review under division (H)(2) of this section, and if the federal law or rule pursuant to which the rule or amendment was adopted expires, is repealed or rescinded, or otherwise terminates, the rule or amendment, or its rescission, is thereafter subject to legislative review under division (H) of this section.

(I)(1) The joint committee on agency rule review may recommend the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof if it finds any of the following:

(a) That the rule-making agency has exceeded the scope of its statutory authority in proposing the rule, amendment, or rescission;

(b) That the proposed rule, amendment, or rescission conflicts with another rule, amendment, or rescission adopted by the same or a different rule-making agency;

(c) That the proposed rule, amendment, or rescission conflicts with the legislative intent in enacting the statute under which the rule-making agency proposed the rule, amendment, or rescission;

(d) That the rule-making agency has failed to prepare a 1218  
complete and accurate rule summary and fiscal analysis of the 1219  
proposed rule, amendment, or rescission as required by section 1220  
127.18 of the Revised Code; 1221

(e) That the proposed rule, amendment, or rescission 1222  
incorporates a text or other material by reference and either the 1223  
rule-making agency has failed to file the text or other material 1224  
incorporated by reference as required by section 121.73 of the 1225  
Revised Code or, in the case of a proposed rule or amendment, the 1226  
incorporation by reference fails to meet the standards stated in 1227  
section 121.72, 121.75, or 121.76 of the Revised Code; 1228

(f) That the rule-making agency has failed to demonstrate 1229  
through the business impact analysis, recommendations from the 1230  
common sense initiative office, and the memorandum of response the 1231  
agency has filed under division (H) of this section that the 1232  
regulatory intent of the proposed rule, amendment, or rescission 1233  
justifies its adverse impact on businesses in this state. 1234

The joint committee shall not hold its public hearing on a 1235  
proposed rule, amendment, or rescission earlier than the 1236  
forty-first day after the original version of the proposed rule, 1237  
amendment, or rescission was filed with the joint committee. 1238

The house of representatives and senate may adopt a 1239  
concurrent resolution invalidating a proposed rule, amendment, 1240  
rescission, or part thereof. The concurrent resolution shall state 1241  
which of the specific rules, amendments, rescissions, or parts 1242  
thereof are invalidated. A concurrent resolution invalidating a 1243  
proposed rule, amendment, or rescission shall be adopted not later 1244  
than the sixty-fifth day after the original version of the text of 1245  
the proposed rule, amendment, or rescission is filed with the 1246  
joint committee, except that if more than thirty-five days after 1247  
the original version is filed the rule-making agency either files 1248  
a revised version of the text of the proposed rule, amendment, or 1249



rescission, or revises the rule summary and fiscal analysis in 1250  
accordance with division (I)(4) of this section, a concurrent 1251  
resolution invalidating the proposed rule, amendment, or 1252  
rescission shall be adopted not later than the thirtieth day after 1253  
the revised version of the proposed rule or rule summary and 1254  
fiscal analysis is filed. If, after the joint committee on agency 1255  
rule review recommends the adoption of a concurrent resolution 1256  
invalidating a proposed rule, amendment, rescission, or part 1257  
thereof, the house of representatives or senate does not, within 1258  
the time remaining for adoption of the concurrent resolution, hold 1259  
five floor sessions at which its journal records a roll call vote 1260  
disclosing a sufficient number of members in attendance to pass a 1261  
bill, the time within which that house may adopt the concurrent 1262  
resolution is extended until it has held five such floor sessions. 1263

Within five days after the adoption of a concurrent 1264  
resolution invalidating a proposed rule, amendment, rescission, or 1265  
part thereof, the clerk of the senate shall send the rule-making 1266  
agency, the secretary of state, and the director of the 1267  
legislative service commission in electronic form a certified text 1268  
of the resolution together with a certification stating the date 1269  
on which the resolution takes effect. The secretary of state and 1270  
the director of the legislative service commission shall each note 1271  
the invalidity of the proposed rule, amendment, rescission, or 1272  
part thereof, and shall each remove the invalid proposed rule, 1273  
amendment, rescission, or part thereof from the file of proposed 1274  
rules. The rule-making agency shall not proceed to adopt in 1275  
accordance with division (D) of this section, or to file in 1276  
accordance with division (B)(1) of section 111.15 of the Revised 1277  
Code, any version of a proposed rule, amendment, rescission, or 1278  
part thereof that has been invalidated by concurrent resolution. 1279

Unless the house of representatives and senate adopt a 1280  
concurrent resolution invalidating a proposed rule, amendment, 1281

rescission, or part thereof within the time specified by this 1282  
division, the rule-making agency may proceed to adopt in 1283  
accordance with division (D) of this section, or to file in 1284  
accordance with division (B)(1) of section 111.15 of the Revised 1285  
Code, the latest version of the proposed rule, amendment, or 1286  
rescission as filed with the joint committee. If by concurrent 1287  
resolution certain of the rules, amendments, rescissions, or parts 1288  
thereof are specifically invalidated, the rule-making agency may 1289  
proceed to adopt, in accordance with division (D) of this section, 1290  
or to file in accordance with division (B)(1) of section 111.15 of 1291  
the Revised Code, the latest version of the proposed rules, 1292  
amendments, rescissions, or parts thereof as filed with the joint 1293  
committee that are not specifically invalidated. The rule-making 1294  
agency may not revise or amend any proposed rule, amendment, 1295  
rescission, or part thereof that has not been invalidated except 1296  
as provided in this chapter or in section 111.15 of the Revised 1297  
Code. 1298

(2)(a) A proposed rule, amendment, or rescission that is 1299  
filed with the joint committee under division (H) of this section 1300  
or division (D) of section 111.15 of the Revised Code shall be 1301  
carried over for legislative review to the next succeeding regular 1302  
session of the general assembly if the original or any revised 1303  
version of the proposed rule, amendment, or rescission is filed 1304  
with the joint committee on or after the first day of December of 1305  
any year. 1306

(b) The latest version of any proposed rule, amendment, or 1307  
rescission that is subject to division (I)(2)(a) of this section, 1308  
as filed with the joint committee, is subject to legislative 1309  
review and invalidation in the next succeeding regular session of 1310  
the general assembly in the same manner as if it were the original 1311  
version of a proposed rule, amendment, or rescission that had been 1312  
filed with the joint committee for the first time on the first day 1313

of the session. A rule-making agency shall not adopt in accordance 1314  
with division (D) of this section, or file in accordance with 1315  
division (B)(1) of section 111.15 of the Revised Code, any version 1316  
of a proposed rule, amendment, or rescission that is subject to 1317  
division (I)(2)(a) of this section until the time for legislative 1318  
review and invalidation, as contemplated by division (I)(2)(b) of 1319  
this section, has expired. 1320

(3) Invalidation of any version of a proposed rule, 1321  
amendment, rescission, or part thereof by concurrent resolution 1322  
shall prevent the rule-making agency from instituting or 1323  
continuing proceedings to adopt any version of the same proposed 1324  
rule, amendment, rescission, or part thereof for the duration of 1325  
the general assembly that invalidated the proposed rule, 1326  
amendment, rescission, or part thereof unless the same general 1327  
assembly adopts a concurrent resolution permitting the rule-making 1328  
agency to institute or continue such proceedings. 1329

The failure of the general assembly to invalidate a proposed 1330  
rule, amendment, rescission, or part thereof under this section 1331  
shall not be construed as a ratification of the lawfulness or 1332  
reasonableness of the proposed rule, amendment, rescission, or any 1333  
part thereof or of the validity of the procedure by which the 1334  
proposed rule, amendment, rescission, or any part thereof was 1335  
proposed or adopted. 1336

(4) In lieu of recommending a concurrent resolution to 1337  
invalidate a proposed rule, amendment, rescission, or part thereof 1338  
because the rule-making agency has failed to prepare a complete 1339  
and accurate fiscal analysis, the joint committee on agency rule 1340  
review may issue, on a one-time basis, for rules, amendments, 1341  
rescissions, or parts thereof that have a fiscal effect on school 1342  
districts, counties, townships, or municipal corporations, a 1343  
finding that the rule summary and fiscal analysis is incomplete or 1344  
inaccurate and order the rule-making agency to revise the rule 1345

summary and fiscal analysis and refile it with the proposed rule, 1346  
amendment, rescission, or part thereof. If an emergency rule is 1347  
filed as a nonemergency rule before the end of the ninetieth day 1348  
of the emergency rule's effectiveness, and the joint committee 1349  
issues a finding and orders the rule-making agency to refile under 1350  
division (I)(4) of this section, the governor may also issue an 1351  
order stating that the emergency rule shall remain in effect for 1352  
an additional sixty days after the ~~ninetieth~~ one hundred twentieth 1353  
day of the emergency rule's effectiveness. The governor's orders 1354  
shall be filed in accordance with division (F) of this section. 1355  
The joint committee shall send in electronic form to the 1356  
rule-making agency, the secretary of state, and the director of 1357  
the legislative service commission a certified text of the finding 1358  
and order to revise the rule summary and fiscal analysis, which 1359  
shall take immediate effect. 1360

An order issued under division (I)(4) of this section shall 1361  
prevent the rule-making agency from instituting or continuing 1362  
proceedings to adopt any version of the proposed rule, amendment, 1363  
rescission, or part thereof until the rule-making agency revises 1364  
the rule summary and fiscal analysis and refiles it in electronic 1365  
form with the joint committee along with the proposed rule, 1366  
amendment, rescission, or part thereof. If the joint committee 1367  
finds the rule summary and fiscal analysis to be complete and 1368  
accurate, the joint committee shall issue a new order noting that 1369  
the rule-making agency has revised and refiled a complete and 1370  
accurate rule summary and fiscal analysis. The joint committee 1371  
shall send in electronic form to the rule-making agency, the 1372  
secretary of state, and the director of the legislative service 1373  
commission a certified text of this new order. The secretary of 1374  
state and the director of the legislative service commission shall 1375  
each link this order to the proposed rule, amendment, rescission, 1376  
or part thereof. The rule-making agency may then proceed to adopt 1377  
in accordance with division (D) of this section, or to file in 1378

accordance with division (B)(1) of section 111.15 of the Revised Code, the proposed rule, amendment, rescission, or part thereof that was subject to the finding and order under division (I)(4) of this section. If the joint committee determines that the revised rule summary and fiscal analysis is still inaccurate or incomplete, the joint committee shall recommend the adoption of a concurrent resolution in accordance with division (I)(1) of this section.

**Sec. 122.121.** (A) If a local organizing committee, endorsing municipality, or endorsing county enters into a joinder undertaking with a site selection organization, the local organizing committee, endorsing municipality, or endorsing county may apply to the director of development services, on a form and in the manner prescribed by the director, for a grant based on the projected incremental increase in the receipts from the tax imposed under section 5739.02 of the Revised Code within the market area designated under division (C) of this section, for the two-week period that ends at the end of the day after the date on which a game will be held, that is directly attributable, as determined by the director, to the preparation for and presentation of the game. The director shall determine the projected incremental increase in the tax imposed under section 5739.02 of the Revised Code by using a formula approved by the destination marketing association international for event impact or another formula of similar purpose approved by the director. The local organizing committee, endorsing municipality, or endorsing county is eligible to receive a grant under this section only if the projected incremental increase in receipts from the tax imposed under section 5739.02 of the Revised Code, as determined by the director, exceeds two hundred fifty thousand dollars. The amount of the grant shall be not less than fifty per cent of the projected incremental increase in receipts, as

determined by the director, but shall not exceed five hundred 1411  
thousand dollars. The director shall not issue grants with a total 1412  
value of more than one million dollars in any fiscal year, and 1413  
shall not issue any grant before July 1, 2013. 1414

(B) If the director of development services approves an 1415  
application for a local organizing committee, endorsing 1416  
municipality, or endorsing county and that local organizing 1417  
committee, endorsing municipality, or endorsing county enters into 1418  
a joinder agreement with a site selection organization, the local 1419  
organizing committee, endorsing municipality, or endorsing county 1420  
shall file a copy of the joinder agreement with the director ~~of~~ 1421  
~~development, who immediately shall notify the director of budget~~ 1422  
~~and management of the filing. Within thirty days after receiving~~ 1423  
~~the notice, the director of budget and management shall establish~~ 1424  
~~a schedule to disburse from the general revenue fund to such local~~ 1425  
~~organizing committee, endorsing municipality, or endorsing county~~ 1426  
~~payments that total the amount certified by the director of~~ 1427  
~~development under division (A) of this section, but in no event~~ 1428  
~~shall the total amount disbursed exceed five hundred thousand~~ 1429  
~~dollars, and no disbursement shall be made before July 1, 2013.~~ 1430  
The ~~payments~~ grant shall be used exclusively by the local 1431  
organizing committee, endorsing municipality, or endorsing county 1432  
to fulfill a portion of its obligations to a site selection 1433  
organization under game support contracts, which obligations may 1434  
include the payment of costs relating to the preparations 1435  
necessary for the conduct of the game, including acquiring, 1436  
renovating, or constructing facilities; to pay the costs of 1437  
conducting the game; and to assist the local organizing committee, 1438  
endorsing municipality, or endorsing county in providing 1439  
assurances required by a site selection organization sponsoring 1440  
one or more games. 1441

(C) For the purposes of division (A) of this section, the 1442

director of development services, in consultation with the tax 1443  
commissioner, shall designate the market area for a game. The 1444  
market area shall consist of the combined statistical area, as 1445  
defined by the United States office of management and budget, in 1446  
which an endorsing municipality or endorsing county is located. 1447

(D) A local organizing committee, endorsing municipality, or 1448  
endorsing county shall provide information required by the 1449  
director of development services and tax commissioner to enable 1450  
the director and commissioner to fulfill their duties under this 1451  
section, including annual audited statements of any financial 1452  
records required by a site selection organization and data 1453  
obtained by the local organizing committee, endorsing 1454  
municipality, or endorsing county relating to attendance at a game 1455  
and to the economic impact of the game. A local organizing 1456  
committee, an endorsing municipality, or an endorsing county shall 1457  
provide an annual audited financial statement if so required by 1458  
the director and commissioner, not later than the end of the 1459  
fourth month after the date the period covered by the financial 1460  
statement ends. 1461

(E) Within thirty days after the game, the local organizing 1462  
committee, endorsing municipality, or endorsing county shall 1463  
report to the director of development services about the economic 1464  
impact of the game. The report shall be in the form and substance 1465  
required by the director, including, but not limited to, a final 1466  
income statement for the event showing total revenue and 1467  
expenditures and revenue and expenditures in the market area for 1468  
the game, and ticket sales for the game and any related activities 1469  
for which admission was charged. The director ~~of development~~ shall 1470  
determine, based on the reported information and the exercise of 1471  
reasonable judgment, the incremental increase in receipts from the 1472  
tax imposed under section 5739.02 of the Revised Code directly 1473  
attributable to the game. If the actual incremental increase in 1474

such receipts is less than the projected incremental increase in 1475  
receipts, the director may require the local organizing committee, 1476  
endorsing municipality, or endorsing county to refund to the state 1477  
all or a portion of the grant. 1478

(F) No disbursement may be made under this section if the 1479  
director of development services determines that it would be used 1480  
for the purpose of soliciting the relocation of a professional 1481  
sports franchise located in this state. 1482

(G) This section may not be construed as creating or 1483  
requiring a state guarantee of obligations imposed on an endorsing 1484  
municipality or endorsing county under a game support contract or 1485  
any other agreement relating to hosting one or more games in this 1486  
state. 1487

**Sec. 122.861.** (A) As used in this section: 1488

(1) "Certified engine configuration" means a new, rebuilt, or 1489  
remanufactured engine configuration that satisfies divisions 1490  
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 1491  
section: 1492

(a) It has been certified by the administrator of the United 1493  
States environmental protection agency or the California air 1494  
resources board. 1495

(b) It meets or is rebuilt or remanufactured to a more 1496  
stringent set of engine emission standards than when originally 1497  
manufactured, as determined pursuant to Subtitle G of Title VII of 1498  
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 1499  
et seq. 1500

(c) In the case of a certified engine configuration involving 1501  
the replacement of an existing engine, an engine configuration 1502  
that replaced an engine that was removed from the vehicle and 1503  
returned to the supplier for remanufacturing to a more stringent 1504



set of engine emissions standards or for scrappage. 1505

(2) "Section 793" means section 793 of the Energy Policy Act 1506  
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 1507

(3) "Verified technology" means a pollution control 1508  
technology, including a retrofit technology, advanced truckstop 1509  
electrification system, or auxiliary power unit, that has been 1510  
verified by the administrator of the United States environmental 1511  
protection agency or the California air resources board. 1512

(B) For the purpose of reducing emissions from diesel 1513  
engines, the director of environmental protection shall administer 1514  
a diesel emissions reduction grant program and a ~~diesel emissions~~ 1515  
~~reduction revolving loan~~ clean diesel school bus program. The 1516  
programs shall provide for the implementation in this state of 1517  
section 793 and shall otherwise be administered in compliance with 1518  
the requirements of section 793, and any regulations issued 1519  
pursuant to that section. 1520

The director shall apply to the administrator of the United 1521  
States environmental protection agency for grant or loan funds 1522  
available under section 793 to help fund the diesel emissions 1523  
reduction grant program and the ~~diesel emissions reduction~~ 1524  
~~revolving loan~~ clean diesel school bus program. 1525

~~(C) There is hereby created in the state treasury the diesel~~ 1526  
~~emissions reduction revolving loan fund consisting of money~~ 1527  
~~appropriated to it by the general assembly, any grants obtained~~ 1528  
~~from the federal government under section 793, and any other~~ 1529  
~~grants, gifts, or other contributions of money made to the credit~~ 1530  
~~of the fund. Money in the fund shall be used for the purpose of~~ 1531  
~~making loans for projects relating to certified engine~~ 1532  
~~configurations and verified technologies in a manner consistent~~ 1533  
~~with the requirements of section 793 and any regulations issued~~ 1534  
~~pursuant to that section. Interest earned from moneys in the fund~~ 1535

~~shall be used to administer the diesel emissions reduction~~ 1536  
~~revolving loan program.~~ 1537

**Sec. 124.32.** (A) A person holding an office or position in 1538  
the classified service may be transferred to a similar position in 1539  
another office, department, or institution having the same pay and 1540  
similar duties, but no transfer shall be made as follows: 1541

(1) From an office or position in one class to an office or 1542  
position in another class; 1543

(2) To an office or position for original entrance to which 1544  
there is required by sections 124.01 to 124.64 of the Revised 1545  
Code, or the rules adopted pursuant to those sections, an 1546  
examination involving essential tests or qualifications or 1547  
carrying a salary different from or higher than those required for 1548  
original entrance to an office or position held by the person 1549  
proposed to be transferred. 1550

No person in the classified civil service of the state may be 1551  
transferred without the consent of the director of administrative 1552  
services. 1553

(B) Any person holding an office or position in the 1554  
classified service who has been separated from the service without 1555  
delinquency or misconduct on the person's part may be reinstated 1556  
within one year from the date of that separation to a vacancy in 1557  
the same office or in a similar position in the same department, 1558  
except that a person in the classified service of the state only 1559  
may be reinstated with the consent of the director of 1560  
administrative services. But, if that separation is due to injury 1561  
or physical or psychiatric disability, the person shall be 1562  
reinstated in the same office held or in a similar position to 1563  
that held at the time of separation, within ~~thirty~~ sixty days 1564  
after written application for reinstatement, if the person passes 1565  
a physical or psychiatric examination made by a licensed 1566

physician, a physician assistant, a clinical nurse specialist, a 1567  
certified nurse practitioner, or a certified nurse-midwife showing 1568  
that the person has recovered from the injury or physical or 1569  
psychiatric disability, if the application for reinstatement is 1570  
filed within two years from the date of separation, and if the 1571  
application is not filed after the date of service eligibility 1572  
retirement. The physician, physician assistant, clinical nurse 1573  
specialist, certified nurse practitioner, or certified 1574  
nurse-midwife shall be designated by the appointing authority and 1575  
shall complete any written documentation of the physical or 1576  
psychiatric examination. 1577

**Sec. 125.13.** (A) As used in this section: 1578

(1) "Emergency medical service organization" has the same 1579  
meaning as in section 4765.01 of the Revised Code. 1580

(2) "Private fire company" has the same meaning as in section 1581  
9.60 of the Revised Code. 1582

(B) Except as otherwise provided in section 5139.03 of the 1583  
Revised Code, whenever a state agency determines that it has 1584  
excess or surplus supplies, it shall notify the director of 1585  
administrative services. Upon request by the director and on forms 1586  
provided by the director, the state agency shall furnish to the 1587  
director a list of all those excess and surplus supplies and an 1588  
appraisal of their value. 1589

(C) The director of administrative services shall take 1590  
immediate control of a state agency's excess and surplus supplies, 1591  
except for the following excess and surplus supplies: 1592

(1) Excess or surplus supplies that have a value below the 1593  
minimum value that the director establishes for excess and surplus 1594  
supplies under division (F) of this section; 1595

(2) Excess or surplus supplies that the director has 1596

authorized an agency to donate to a public entity, including, but 1597  
not limited to, public schools and surplus computers and computer 1598  
equipment transferred to a public school under division (H) of 1599  
this section; 1600

(3) Excess or surplus supplies that an agency trades in as 1601  
full or partial payment when purchasing a replacement item; 1602

(4) Hazardous property. 1603

(D) The director shall inventory excess and surplus supplies 1604  
in the director's control and may have the supplies repaired. 1605

(E) The director may do either of the following: 1606

(1) Dispose of declared surplus or excess supplies in the 1607  
director's control by sale, lease, donation, or transfer. If the 1608  
director does so, the director shall dispose of those supplies in 1609  
the following order of priority: 1610

(a) To state agencies; 1611

(b) To state-supported or state-assisted institutions of 1612  
higher education; 1613

(c) To tax-supported agencies, municipal corporations, or 1614  
other political subdivisions of this state, private fire 1615  
companies, or private, nonprofit emergency medical service 1616  
organizations; 1617

(d) To nonpublic elementary and secondary schools chartered 1618  
by the state board of education under section 3301.16 of the 1619  
Revised Code; 1620

(e) To the general public by auction, sealed bid, sale, or 1621  
negotiation. 1622

(2) If the director has attempted to dispose of any declared 1623  
surplus or excess motor vehicle that does not exceed four thousand 1624  
five hundred dollars in value pursuant to divisions (E)(1)(a) to 1625  
(c) of this section, donate the motor vehicle to a nonprofit 1626

organization exempt from federal income taxation pursuant to 26 1627  
U.S.C. 501(a) and (c)(3) for the purpose of meeting the 1628  
transportation needs of participants in the Ohio works first 1629  
program established under Chapter 5107. of the Revised Code and 1630  
participants in the prevention, retention, and contingency program 1631  
established under Chapter 5108. of the Revised Code. The director 1632  
may not donate a motor vehicle furnished to the state highway 1633  
patrol to a nonprofit organization pursuant to this division. 1634

(F) The director may adopt rules governing the sale, lease, 1635  
or transfer of surplus and excess supplies in the director's 1636  
control by public auction, sealed bid, sale, or negotiation, 1637  
except that no employee of the disposing agency shall be allowed 1638  
to purchase, lease, or receive any such supplies. The director may 1639  
dispose of declared surplus or excess supplies, including motor 1640  
vehicles, in the director's control as the director determines 1641  
proper if such supplies cannot be disposed of pursuant to division 1642  
(E) of this section. The director shall by rule establish a 1643  
minimum value for excess and surplus supplies and prescribe 1644  
procedures for a state agency to follow in disposing of excess and 1645  
surplus supplies in its control that have a value below the 1646  
minimum value established by the director. 1647

(G) No state-supported or state-assisted institution of 1648  
higher education, tax-supported agency, municipal corporation, or 1649  
other political subdivision of this state, private fire company, 1650  
or private, nonprofit emergency medical service organization shall 1651  
sell, lease, or transfer excess or surplus supplies acquired under 1652  
this section to private entities or the general public at a price 1653  
greater than the price it originally paid for those supplies. 1654

(H) The director of administrative services may authorize any 1655  
state agency to transfer surplus computers and computer equipment 1656  
that are not needed by other state agencies directly to an 1657  
accredited public school within the state. The computers and 1658

computer equipment may be repaired or refurbished prior to 1659  
transfer. The state agency may charge a service fee to the public 1660  
schools for the property not to exceed the direct cost of 1661  
repairing or refurbishing it. The state agency shall deposit such 1662  
funds into the account used for repair or refurbishment. 1663

**Sec. 125.182.** (A) The office of information technology, by 1664  
itself or by contract with another entity, shall establish, 1665  
operate, and maintain ~~a state~~ the official public notice web site. 1666  
In establishing, maintaining, and operating the ~~state~~ official 1667  
public notice web site, the office of information technology or 1668  
its contractor shall: 1669

~~(A)~~(1) Use a domain name for the web site that will be easily 1670  
recognizable and remembered by and understandable to users of the 1671  
web site; 1672

~~(B)~~(2) Maintain the web site on the internet so that it is 1673  
fully accessible to and searchable by members of the public at all 1674  
times, other than during maintenance or acts of God outside the 1675  
office's or its contractor's control; 1676

~~(C)~~(3) Not charge a fee to a person ~~who~~ that accesses, the 1677  
web site to view notices or to perform searches, ~~or otherwise uses~~ 1678  
of the web site, provided that the office or its contractor may 1679  
charge a fee for enhanced search and customized content delivery 1680  
features; 1681

~~(D)~~(4) Not charge a fee to a state agency or political 1682  
subdivision for publishing a notice on the web site; 1683

~~(E)~~(5) Ensure that notices displayed on the web site conform 1684  
to the requirements that would apply to the notices if they were 1685  
being published in a newspaper, as directed in section 7.16 of the 1686  
Revised Code or in the relevant provision of the statute or rule 1687  
that requires the notice; 1688

<del>(F)(6)</del> Ensure that notices continue to be displayed on the web site for not less than the length of time required by the relevant provision of the statute or rule that requires the notice;	1689 1690 1691 1692
<del>(G)</del> Devise and display on the web site a form that may be downloaded and used to request publication of a notice on the web site;	1693 1694 1695
<del>(H)</del> Enable responsible parties to submit notices and requests for their publication;	1696 1697
<del>(I)(7)</del> Maintain an archive of notices that no longer are displayed on the web site;	1698 1699
<del>(J)(8)</del> Enable notices, both those currently displayed and those archived, to be accessed by key word, by party name, by case number, by county, and by other useful identifiers;	1700 1701 1702
<del>(K)(9)</del> Maintain adequate systemic security and backup features, and develop and maintain a contingency plan for coping with and recovering from power outages, systemic failures, and other unforeseeable difficulties;	1703 1704 1705 1706
<del>(L)</del> Maintain the web site in such a manner that it will not infringe legally protected interests, so that vulnerability of the web site to interruption because of litigation or the threat of litigation is reduced; and	1707 1708 1709 1710
<del>(M)</del> Submit a status report to the secretary of state twice annually that demonstrates compliance with statutory requirements governing publication of notices.	1711 1712 1713
<del>The office of information technology shall bear the expense of maintaining the state public notice web site domain name (10) Provide access to the web site to the publisher of any Ohio newspaper or daily law journal that qualifies under the Revised Code to publish notices and advertisements, for the posting of</del>	1714 1715 1716 1717 1718

notices and advertisements at no cost, or for a reasonable, 1719  
uniform fee for the service; and 1720

(11) Provide, if requested, a regularly scheduled feed or 1721  
similar data transfer to the department of administrative services 1722  
of notices and advertisements posted on the web site, provided 1723  
that the office of information technology or its contractor shall 1724  
not be required to provide the feed or transfer more often than 1725  
once every business day. 1726

(B) An error in a notice or advertisement posted on the 1727  
official public notice web site, or a temporary web site outage or 1728  
service interruption preventing the posting or display of a notice 1729  
or advertisement on that web site, does not constitute a defect in 1730  
making legal publication of the notice or advertisement, and 1731  
publication requirements shall be considered met if the notice or 1732  
advertisement published in the newspaper or daily law journal is 1733  
correct. 1734

(C) The publisher of a newspaper of general circulation or of 1735  
a daily law journal that maintains a web site shall include on its 1736  
web site a link to the official public notice web site. 1737

**Sec. 126.21.** (A) The director of budget and management shall 1738  
do all of the following: 1739

(1) Keep all necessary accounting records; 1740

(2) Prescribe and maintain the accounting system of the state 1741  
and establish appropriate accounting procedures and charts of 1742  
accounts; 1743

(3) Establish procedures for the use of written, electronic, 1744  
optical, or other communications media for approving and reviewing 1745  
payment vouchers; 1746

(4) Reconcile, in the case of any variation between the 1747  
amount of any appropriation and the aggregate amount of items of 1748



the appropriation, with the advice and assistance of the state 1749  
agency affected by it and the legislative service commission, 1750  
totals so as to correspond in the aggregate with the total 1751  
appropriation. In the case of a conflict between the item and the 1752  
total of which it is a part, the item shall be considered the 1753  
intended appropriation. 1754

(5) Evaluate on an ongoing basis and, if necessary, recommend 1755  
improvements to the internal controls used in state agencies; 1756

(6) Authorize the establishment of petty cash accounts. The 1757  
director may withdraw approval for any petty cash account and 1758  
require the officer in charge to return to the state treasury any 1759  
unexpended balance shown by the officer's accounts to be on hand. 1760  
Any officer who is issued a warrant for petty cash shall render a 1761  
detailed account of the expenditures of the petty cash and shall 1762  
report when requested the balance of petty cash on hand at any 1763  
time. 1764

(7) Process orders, invoices, vouchers, claims, and payrolls 1765  
and prepare financial reports and statements; 1766

(8) Perform extensions, reviews, and compliance checks prior 1767  
to or after approving a payment as the director considers 1768  
necessary; 1769

(9) Issue the official comprehensive annual financial report 1770  
of the state. The report shall cover all funds of the state 1771  
reporting entity and shall include basic financial statements and 1772  
required supplementary information prepared in accordance with 1773  
generally accepted accounting principles and other information as 1774  
the director provides. All state agencies, authorities, 1775  
institutions, offices, retirement systems, and other component 1776  
units of the state reporting entity as determined by the director 1777  
shall furnish the director whatever financial statements and other 1778  
information the director requests for the report, in the form, at 1779

the times, covering the periods, and with the attestation the 1780  
director prescribes. The information for state institutions of 1781  
higher education, as defined in section 3345.011 of the Revised 1782  
Code, shall be submitted to the chancellor by the Ohio board of 1783  
regents. The board shall establish a due date by which each such 1784  
institution shall submit the information to the board, but no such 1785  
date shall be later than one hundred twenty days after the end of 1786  
the state fiscal year unless a later date is approved by the 1787  
director. 1788

(B) In addition to the director's duties under division (A) 1789  
of this section, the director may establish and administer one or 1790  
more ~~state~~ payment card programs that permit ~~or require~~ state 1791  
agencies and political subdivisions to use a payment card to 1792  
purchase equipment, materials, supplies, or services in accordance 1793  
with guidelines issued by the director. The chief administrative 1794  
officer of a state agency or political subdivision that uses a 1795  
payment card for such purposes shall ensure that purchases made 1796  
with the card are made in accordance with the guidelines issued by 1797  
the director ~~and do not exceed the unexpended, unencumbered,~~ 1798  
~~unobligated balance in the appropriation to be charged for the~~ 1799  
~~purchase.~~ State agencies may participate in only those ~~state~~ 1800  
payment card programs that the director establishes pursuant to 1801  
this section. 1802

(C) In addition to the director's duties under divisions (A) 1803  
and (B) of this section, the director may enter into any contract 1804  
or agreement necessary for and incidental to the performance of 1805  
the director's duties or the duties of the office of budget and 1806  
management. 1807

(D) In addition to the director's duties under divisions (A), 1808  
(B), and (C) of this section, the director may operate a shared 1809  
services center within the office of budget and management for the 1810  
purpose of consolidating common business functions and 1811

transactional processes. The services offered by the shared 1812  
services center may be provided to any state agency or political 1813  
subdivision. In consultation with the director of administrative 1814  
services, the director may appoint and fix the compensation of 1815  
employees of the office ~~of budget and management~~ whose primary 1816  
duties include the consolidation of ~~statewide financing~~ common 1817  
business functions and ~~common~~ transactional processes. 1818

(E) The director may transfer cash between funds other than 1819  
the general revenue fund in order to correct an erroneous payment 1820  
or deposit regardless of the fiscal year during which the 1821  
erroneous payment or deposit occurred. 1822

(F) As used in divisions (B) and (D) of this section: 1823

(1) "Political subdivision" has the same meaning as in 1824  
section 2744.01 of the Revised Code. 1825

(2) "State agency" has the same meaning as in section 9.482 1826  
of the Revised Code. 1827

**Sec. 126.25.** ~~The accounting and budgeting~~ services provided 1828  
by the director of budget and management under section 126.21 of 1829  
the Revised Code shall be supported by ~~user~~ charges. The director 1830  
shall determine a rate that is sufficient to defray the expense of 1831  
those services and the manner by which those charges shall be 1832  
collected. All money collected from ~~user~~ the charges shall be 1833  
deposited in the state treasury to the credit of the accounting 1834  
and budgeting fund, which is hereby created. Rebates or revenue 1835  
shares received from any ~~state~~ payment card program established 1836  
under division (B) of section 126.21 of the Revised Code and 1837  
miscellaneous payments that reimburse expenses paid from the 1838  
accounting and budgeting fund may be deposited into the accounting 1839  
and budgeting fund and used to support ~~accounting and budgeting~~ 1840  
the services provided by the director. 1841

Sec. 149.38. (A) Except as otherwise provided in section 1842  
307.847 of the Revised Code, there is hereby created in each 1843  
county a county records commission, composed of a member of the 1844  
board of county commissioners as chairperson, the prosecuting 1845  
attorney, the auditor, the recorder, and the clerk of the court of 1846  
common pleas. The commission shall appoint a secretary, who may or 1847  
may not be a member of the commission and who shall serve at the 1848  
pleasure of the commission. The commission may employ an archivist 1849  
or records manager to serve under its direction. The commission 1850  
shall meet at least once every six months and upon the call of the 1851  
chairperson. 1852

(B)(1) The functions of the county records commission shall 1853  
be to provide rules for retention and disposal of records of the 1854  
county, and to review applications for one-time disposal of 1855  
obsolete records and schedules of records retention and 1856  
disposition submitted by county offices. The commission may 1857  
dispose of records pursuant to the procedure outlined in this 1858  
section. The commission, at any time, may review any schedule it 1859  
has previously approved and, for good cause shown, may revise that 1860  
schedule, subject to division (D) of this section. 1861

(2)(a) As used in division (B)(2) of this section, "paper 1862  
case records" means written reports of child abuse or neglect, 1863  
written records of investigations, or other written records 1864  
required to be prepared under section 2151.421, 5101.13, 5153.166, 1865  
or 5153.17 of the Revised Code. 1866

(b) A county public children services agency may submit to 1867  
the county records commission applications for one-time disposal, 1868  
or schedules of records retention and disposition, of paper case 1869  
records that have been entered into permanently maintained and 1870  
retrievable fields in the state automated child welfare 1871  
information system established under section 5101.13 of the 1872

Revised Code or entered into other permanently maintained and 1873  
retrievable electronic files. The county records commission may 1874  
dispose of the paper case records pursuant to the procedure 1875  
outlined in this section. 1876

(C)(1) When the county records commission has approved any 1877  
county application for one-time disposal of obsolete records or 1878  
any schedule of records retention and disposition, the commission 1879  
shall send that application or schedule to the Ohio historical 1880  
society for its review. The Ohio historical society shall review 1881  
the application or schedule within a period of not more than sixty 1882  
days after its receipt of it. During the sixty-day review period, 1883  
the Ohio historical society may select for its custody from the 1884  
application for one-time disposal of obsolete records any records 1885  
it considers to be of continuing historical value, and shall 1886  
denote upon any schedule of records retention and disposition any 1887  
records for which the Ohio historical society will require a 1888  
certificate of records disposal prior to their disposal. 1889

(2) Upon completion of its review, the Ohio historical 1890  
society shall forward the application for one-time disposal of 1891  
obsolete records or the schedule of records retention and 1892  
disposition to the auditor of state for the auditor's approval or 1893  
disapproval. The auditor of state shall approve or disapprove the 1894  
application or schedule within a period of not more than sixty 1895  
days after receipt of it. 1896

(3) Before public records are to be disposed of pursuant to 1897  
an approved schedule of records retention and disposition, the 1898  
county records commission shall inform the Ohio historical society 1899  
of the disposal through the submission of a certificate of records 1900  
disposal for only the records required by the schedule to be 1901  
disposed of and shall give the society the opportunity for a 1902  
period of fifteen business days to select for its custody those 1903  
records, from the certificate submitted, that it considers to be 1904

of continuing historical value. Upon the expiration of the 1905  
fifteen-business-day period, the county records commission also 1906  
shall notify the public libraries, county historical society, 1907  
state universities, and other public or quasi-public institutions, 1908  
agencies, or corporations in the county that have provided the 1909  
commission with their name and address for these notification 1910  
purposes, that the commission has informed the Ohio historical 1911  
society of the records disposal and that the notified entities, 1912  
upon written agreement with the Ohio historical society pursuant 1913  
to section 149.31 of the Revised Code, may select records of 1914  
continuing historical value, including records that may be 1915  
distributed to any of the notified entities under section 149.31 1916  
of the Revised Code. Any notified entity that notifies the county 1917  
records commission of its intent to review and select records of 1918  
continuing historical value from certificates of records disposal 1919  
is responsible for the cost of any notice given and for the 1920  
transportation of those records. 1921

(D) The rules of the county records commission shall include 1922  
a rule that requires any receipts, checks, vouchers, or other 1923  
similar records pertaining to expenditures from the delinquent tax 1924  
and assessment collection fund created in section 321.261 of the 1925  
Revised Code, from the real estate assessment fund created in 1926  
section 325.31 of the Revised Code, or from amounts allocated for 1927  
the furtherance of justice to the county sheriff under section 1928  
325.071 of the Revised Code or to the prosecuting attorney under 1929  
section 325.12 of the Revised Code to be retained for at least 1930  
four years. 1931

(E) No person shall knowingly violate the rule adopted under 1932  
division (D) of this section. Whoever violates that rule is guilty 1933  
of a misdemeanor of the first degree. 1934

**Sec. 153.56.** (A) Any person to whom any money is due for 1935

labor or work performed or materials furnished in a public 1936  
improvement as provided in section 153.54 of the Revised Code, at 1937  
any time after performing the labor or work or furnishing the 1938  
materials, but not later than ninety days after the completion of 1939  
the contract by the principal contractor or design-build firm and 1940  
the acceptance of the public improvement for which the bond was 1941  
provided by the duly authorized board or officer, shall furnish 1942  
the sureties on the bond, a statement of the amount due to the 1943  
person. 1944

(B) A suit shall not be brought against sureties on the bond 1945  
until after sixty days after the furnishing of the statement 1946  
described in division (A) of this section. If the indebtedness is 1947  
not paid in full at the expiration of that sixty days, and if the 1948  
person complies with division (C) of this section, the person may 1949  
bring an action in the person's own name upon the bond, as 1950  
provided in sections 2307.06 and 2307.07 of the Revised Code, that 1951  
action to be commenced, notwithstanding section 2305.12 of the 1952  
Revised Code, not later than one year from the date of acceptance 1953  
of the public improvement for which the bond was provided. 1954

(C) To exercise rights under this section, a subcontractor or 1955  
materials supplier supplying labor or materials that cost more 1956  
than thirty thousand dollars, who is not in direct privity of 1957  
contract with the principal contractor or design-build firm for 1958  
the public improvement, shall serve a notice of furnishing upon 1959  
the principal contractor or design-build firm in the form provided 1960  
in section 1311.261 of the Revised Code. 1961

(D) A subcontractor or materials supplier who serves a notice 1962  
of furnishing under division (C) of this section as required to 1963  
exercise rights under this section has the right of recovery only 1964  
as to amounts owed for labor and work performed and materials 1965  
furnished during and after the twenty-one days immediately 1966  
preceding service of the notice of furnishing. 1967

(E) For purposes of this section:	1968
(1) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code.	1969 1970
(2) "Principal contractor" has the same meaning as in section 1311.25 of the Revised Code, and may include a <del>"construction manager"</del> and a "construction manager at risk" as defined in section 9.33 of the Revised Code.	1971 1972 1973 1974
<b>Sec. 164.26.</b> (A) The director of the Ohio public works commission shall establish policies related to the need for long-term ownership, or long-term control through a lease or the purchase of an easement, of real property that is the subject of an application for a grant under sections 164.20 to 164.27 of the Revised Code and establish requirements for documentation to be submitted by grant applicants that is necessary for the proper administration of this division. The policies shall provide for proper <del>penalties, including</del> <u>liquidated damages and grant repayment</u> , for entities that fail to comply with the long-term ownership or control requirements established under this division.	1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985
The director also shall adopt policies delineating what constitutes administrative costs for purposes of division (F) of section 164.27 of the Revised Code.	1986 1987 1988
(B) The Ohio public works commission shall administer sections 164.20 to 164.27 of the Revised Code and shall exercise any authority and use any procedures granted or established under sections 164.02 and 164.05 of the Revised Code that are necessary for that purpose.	1989 1990 1991 1992 1993
<b><u>Sec. 164.261.</u></b> All of the following apply to any repayment of a grant awarded under sections 164.20 to 164.27 of the Revised Code:	1994 1995 1996
(A) <u>The Ohio public works commission shall deposit the grant</u>	1997



repayment into the clean Ohio conservation fund created in section 164.27 of the Revised Code. 1998  
1999

(B) The commission shall return the grant repayment to the natural resource assistance council that approved the grant application. 2000  
2001  
2002

(C) The grant repayment shall be used for the same purpose as the grant was originally approved for, as provided in section 164.22 of the Revised Code. 2003  
2004  
2005

**Sec. 173.27.** (A) As used in this section: 2006

(1) "Applicant" means a person who is under final consideration for ~~employment~~ hiring by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. 2007  
2008  
2009  
2010  
"Applicant" includes a person who is under final consideration for ~~employment~~ being hired as the state long-term care ombudsman or the head of a regional long-term care ombudsman program. 2011  
2012  
2013  
"Applicant" does not include a person seeking to provide ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 2014  
2015  
2016  
2017

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 2018  
2019

(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 2020  
2021  
2022

(4) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. 2023  
2024  
2025  
"Employee" includes the person employed as the state long-term care ombudsman and a person employed as the head of a regional 2026  
2027

long-term care ombudsman program. "Employee" does not include a 2028  
person who provides ombudsman services to residents and recipients 2029  
as a volunteer without receiving or expecting to receive any form 2030  
of remuneration other than reimbursement for actual expenses. 2031

(5) "Responsible party" means the following: 2032

(a) In the case of an applicant who is under final 2033  
consideration for ~~employment~~ being hired as the state long-term 2034  
care ombudsman or the person employed as the state long-term care 2035  
ombudsman, the director of aging; 2036

(b) In the case of any other applicant who is under final 2037  
consideration for ~~employment with~~ being hired by the state 2038  
long-term care ombudsman program or any other employee of the 2039  
state long-term care ombudsman program, the state long-term care 2040  
ombudsman; 2041

(c) In the case of an applicant who is under final 2042  
consideration for ~~employment with~~ being hired by a regional 2043  
long-term care ombudsman program (including as the head of the 2044  
regional program) or an employee of a regional long-term care 2045  
ombudsman program (including the head of a regional program), the 2046  
regional long-term care ombudsman program. 2047

(B) A responsible party may not ~~employ~~ hire an applicant or 2048  
~~continue to employ~~ retain an employee in a position that involves 2049  
providing ombudsman services to residents and recipients if any of 2050  
the following apply: 2051

(1) A review of the databases listed in division (D) of this 2052  
section reveals any of the following: 2053

(a) That the applicant or employee is included in one or more 2054  
of the databases listed in divisions (D)(1) to (5) of this 2055  
section; 2056

(b) That there is in the state nurse aide registry 2057

established under section 3721.32 of the Revised Code a statement 2058  
detailing findings by the director of health that the applicant or 2059  
employee neglected or abused a long-term care facility or 2060  
residential care facility resident or misappropriated property of 2061  
such a resident; 2062

(c) That the applicant or employee is included in one or more 2063  
of the databases, if any, specified in rules adopted under this 2064  
section and the rules prohibit the responsible party from 2065  
employing an applicant or continuing to employ an employee 2066  
included in such a database in a position that involves providing 2067  
ombudsman services to residents and recipients. 2068

(2) After the applicant or employee is provided, pursuant to 2069  
division (E)(2)(a) of this section, a copy of the form prescribed 2070  
pursuant to division (C)(1) of section 109.572 of the Revised Code 2071  
and the standard impression sheet prescribed pursuant to division 2072  
(C)(2) of that section, the applicant or employee fails to 2073  
complete the form or provide the applicant's or employee's 2074  
fingerprint impressions on the standard impression sheet. 2075

(3) Unless the applicant or employee meets standards 2076  
specified in rules adopted under this section, the applicant or 2077  
employee is found by a criminal records check required by this 2078  
section to have been convicted of, or pleaded guilty to, ~~or been~~ 2079  
~~found eligible for intervention in lieu of conviction for a~~ 2080  
disqualifying offense. 2081

(C) A responsible party or a responsible party's designee 2082  
shall inform each applicant of both of the following at the time 2083  
of the applicant's initial application for ~~employment in hiring~~ 2084  
into a position that involves providing ombudsman services to 2085  
residents and recipients: 2086

(1) That a review of the databases listed in division (D) of 2087  
this section will be conducted to determine whether the 2088

responsible party is prohibited by division (B)(1) of this section 2089  
from ~~employing~~ hiring the applicant ~~in~~ into the position; 2090

(2) That, unless the database review reveals that the 2091  
applicant may not be ~~employed in~~ hired into the position, a 2092  
criminal records check of the applicant will be conducted and the 2093  
applicant is required to provide a set of the applicant's 2094  
fingerprint impressions as part of the criminal records check. 2095

(D) As a condition of any applicant's being ~~employed~~ hired by 2096  
a responsible party in a position that involves providing 2097  
ombudsman services to residents and recipients, the responsible 2098  
party or designee shall conduct a database review of the applicant 2099  
in accordance with rules adopted under this section. If rules 2100  
adopted under this section so require, the responsible party or 2101  
designee shall conduct a database review of an employee in 2102  
accordance with the rules as a condition of the responsible party 2103  
~~continuing to employ~~ retaining the employee in a position that 2104  
involves providing ombudsman services to residents and recipients. 2105  
A database review shall determine whether the applicant or 2106  
employee is included in any of the following: 2107

(1) The excluded parties list system that is maintained by 2108  
the United States general services administration pursuant to 2109  
subpart 9.4 of the federal acquisition regulation and available at 2110  
the federal web site known as the system for award management; 2111

(2) The list of excluded individuals and entities maintained 2112  
by the office of inspector general in the United States department 2113  
of health and human services pursuant to section 1128 of the 2114  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 2115  
amended, and section 1156 of the "Social Security Act," 96 Stat. 2116  
388 (1982), 42 U.S.C. 1320c-5, as amended; 2117

(3) The registry of MR/DD employees established under section 2118  
5123.52 of the Revised Code; 2119

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 2120  
2121  
2122

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 2123  
2124

(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 2125  
2126

(7) Any other database, if any, specified in rules adopted under this section. 2127  
2128

(E)(1) As a condition ~~of any applicant's being employed by a responsible party in~~ on hiring an applicant into a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition ~~of the responsible party continuing to employ~~ for retaining the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from ~~employing hiring~~ hiring the applicant or ~~continuing to employ~~ retaining the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested 2129  
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information about the applicant or employee from the federal 2152  
bureau of investigation in a criminal records check, the 2153  
responsible party or designee shall request that the 2154  
superintendent obtain information from the federal bureau of 2155  
investigation as part of the criminal records check. Even if an 2156  
applicant or employee for whom a criminal records check request is 2157  
required by this section presents proof of having been a resident 2158  
of this state for the five-year period, the responsible party or 2159  
designee may request that the superintendent include information 2160  
from the federal bureau of investigation in the criminal records 2161  
check. 2162

(2) A responsible party or designee shall do all of the 2163  
following: 2164

(a) Provide to each applicant and employee for whom a 2165  
criminal records check request is required by this section a copy 2166  
of the form prescribed pursuant to division (C)(1) of section 2167  
109.572 of the Revised Code and a standard impression sheet 2168  
prescribed pursuant to division (C)(2) of that section; 2169

(b) Obtain the completed form and standard impression sheet 2170  
from the applicant or employee; 2171

(c) Forward the completed form and standard impression sheet 2172  
to the superintendent. 2173

(3) A responsible party shall pay to the bureau of criminal 2174  
identification and investigation the fee prescribed pursuant to 2175  
division (C)(3) of section 109.572 of the Revised Code for each 2176  
criminal records check the responsible party or the responsible 2177  
party's designee requests under this section. The responsible 2178  
party may charge an applicant a fee not exceeding the amount the 2179  
responsible party pays to the bureau under this section if the 2180  
responsible party or designee notifies the applicant at the time 2181  
of initial application for ~~employment~~ hiring into the position in 2182

question of the amount of the fee. 2183

(F)(1) A responsible party may ~~employ~~ conditionally hire an 2184  
applicant for whom a criminal records check is required by this 2185  
section prior to obtaining the results of the criminal records 2186  
check if both of the following apply: 2187

(a) The responsible party is not prohibited by division 2188  
(B)(1) of this section from ~~employing~~ hiring the applicant in a 2189  
position that involves providing ombudsman services to residents 2190  
and recipients; 2191

(b) The responsible party or designee requests the criminal 2192  
records check in accordance with division (E) of this section not 2193  
later than five business days after the responsible party 2194  
conditionally hires the applicant ~~begins conditional employment~~. 2195

(2) A responsible party shall ~~terminate the employment of an~~ 2196  
~~applicant employed conditionally under division (F)(1) of this~~ 2197  
~~section~~ remove a conditionally hired applicant from any job duties 2198  
that require a criminal records check if the results of the 2199  
criminal records check, other than the results of any request for 2200  
information from the federal bureau of investigation, are not 2201  
obtained within the period ending sixty days after the date the 2202  
request for the criminal records check is made. ~~Regardless~~ 2203

Regardless of when the results of the criminal records check 2204  
are obtained, if the results indicate that the conditionally hired 2205  
applicant has been convicted of, or pleaded guilty to, ~~or been~~ 2206  
~~found eligible for intervention in lieu of conviction for a~~ 2207  
disqualifying offense, the responsible party shall terminate the 2208  
applicant's employment unless the applicant meets standards 2209  
specified in rules adopted under this section that permit the 2210  
responsible party to ~~employ~~ hire the applicant and the responsible 2211  
party chooses to ~~employ~~ hire the applicant. Termination of 2212  
employment under this division shall be considered just cause for 2213

discharge for purposes of division (D)(2) of section 4141.29 of 2214  
the Revised Code if the applicant makes any attempt to deceive the 2215  
responsible party or designee about the applicant's criminal 2216  
record. 2217

(G) The report of any criminal records check conducted 2218  
pursuant to a request made under this section is not a public 2219  
record for the purposes of section 149.43 of the Revised Code and 2220  
shall not be made available to any person other than the 2221  
following: 2222

(1) The applicant or employee who is the subject of the 2223  
criminal records check or the applicant's or employee's 2224  
representative; 2225

(2) The responsible party or designee; 2226

(3) In the case of a criminal records check conducted for an 2227  
applicant who is under final consideration for ~~employment with~~ 2228  
hiring by a regional long-term care ombudsman program (including 2229  
as the head of the regional program) or for an employee of a 2230  
regional long-term care ombudsman program (including the head of a 2231  
regional program), the state long-term care ombudsman or a 2232  
representative of the office of the state long-term care ombudsman 2233  
program who is responsible for monitoring the regional program's 2234  
compliance with this section; 2235

(4) A court, hearing officer, or other necessary individual 2236  
involved in a case dealing with any of the following: 2237

(a) A denial of ~~employment~~ hiring of the applicant or of 2238  
retention of the employee; 2239

(b) Employment or unemployment benefits of the applicant or 2240  
employee; 2241

(c) A civil or criminal action regarding the medicaid program 2242  
or a program the department of aging administers. 2243



(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant who a responsible party hires, or an employee who a responsible party employs, in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:

(1) If the responsible party ~~employed~~ hired the applicant or retained the employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party ~~employed~~ conditionally hired the applicant in good faith ~~on a conditional basis~~ pursuant to division (F) of this section, the responsible party shall not be found negligent solely because it ~~employed~~ conditionally hired the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith ~~employed~~ hired the applicant or retained the employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, or pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense.

(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted.

(J) The director of aging shall adopt rules in accordance	2275
with Chapter 119. of the Revised Code to implement this section.	2276
(1) The rules may do the following:	2277
(a) Require employees to undergo database reviews and	2278
criminal records checks under this section;	2279
(b) If the rules require employees to undergo database	2280
reviews and criminal records checks under this section, exempt one	2281
or more classes of employees from the requirements;	2282
(c) For the purpose of division (D)(7) of this section,	2283
specify other databases that are to be checked as part of a	2284
database review conducted under this section.	2285
(2) The rules shall specify all of the following:	2286
(a) The procedures for conducting database reviews under this	2287
section;	2288
(b) If the rules require employees to undergo database	2289
reviews and criminal records checks under this section, the times	2290
at which the database reviews and criminal records checks are to	2291
be conducted;	2292
(c) If the rules specify other databases to be checked as	2293
part of the database reviews, the circumstances under which a	2294
responsible party is prohibited from <del>employing</del> <u>hiring</u> an applicant	2295
or <del>continuing to employ</del> <u>retaining</u> an employee who is found by a	2296
database review to be included in one or more of those databases;	2297
(d) Standards that an applicant or employee must meet for a	2298
responsible party to be permitted to <del>employ</del> <u>hire</u> the applicant or	2299
<del>continue to employ</del> <u>retain</u> the employee in a position that involves	2300
providing ombudsman services to residents and recipients if the	2301
applicant or employee is found by a criminal records check	2302
required by this section to have been convicted of, <u>or</u> pleaded	2303
guilty to, <del>or been found eligible for intervention in lieu of</del>	2304

~~conviction for~~ a disqualifying offense. 2305

**Sec. 173.38.** (A) As used in this section: 2306

(1)(a) "Applicant" means a all of the following: 2307

(i) A person who is under final consideration for ~~employment~~ 2308  
with hiring by a responsible party in a full-time, part-time, or 2309  
temporary direct-care position or is referred to a responsible 2310  
party by an employment service for such a position. ~~"Applicant";~~ 2311

(ii) A self-employed provider bidding on a contract or grant 2312  
with an area agency on aging to provide community-based long-term 2313  
care services; 2314

(iii) A self-employed provider applying under section 173.391 2315  
of the Revised Code for certification to provide community-based 2316  
long-term care services. 2317

(b) "Applicant" does not include a person being considered 2318  
for a direct-care position as a volunteer. 2319

(2) "Area agency on aging" has the same meaning as in section 2320  
173.14 of the Revised Code. 2321

(3) "Community-based long-term care services" means 2322  
community-based long-term care services, as defined in section 2323  
173.14 of the Revised Code, that are provided under a program the 2324  
department of aging administers. 2325

(4) "Consumer" means an individual who receives 2326  
community-based long-term care services. 2327

(5) "Criminal records check" has the same meaning as in 2328  
section 109.572 of the Revised Code. 2329

(6)(a) "Direct-care position" means an employment position in 2330  
which an employee has either or both of the following: 2331

(i) In-person contact with one or more consumers; 2332

(ii) Access to one or more consumers' personal property or records. 2333  
2334

(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code. 2335  
2336  
2337

(7) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 2338  
2339  
2340

(8)(a) "Employee" means a all of the following: 2341

(i) A person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service.—"Employee"; 2342  
2343  
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2345

(ii) A self-employed provider who has a contract or grant with an area agency on aging to provide community-based long-term care services; 2346  
2347  
2348

(iii) A self-employed provider certified under section 173.391 of the Revised Code to provide community-based long-term care services. 2349  
2350  
2351

(b) "Employee" does not include a person who works in a direct-care position as a volunteer. 2352  
2353

(9) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code. 2354  
2355

(10) "Provider" has the same meaning as in section 173.39 of the Revised Code. 2356  
2357

(11) "Responsible party" means the following: 2358

(a) An area agency on aging in the case of ~~either~~ any of the following: 2359  
2360

(i) A person who is an applicant because the agency is giving 2361

~~the person is under final consideration for employment with the~~ 2362  
~~agency in being hired into~~ a full-time, part-time, or temporary 2363  
direct-care position or ~~is an employment service~~ referred ~~the~~ 2364  
~~person~~ to the agency ~~by an employment service~~ for such a position; 2365

(ii) A person who is an employee because the agency employs 2366  
~~the person is employed by the agency~~ in a full-time, part-time, or 2367  
temporary direct-care position or ~~works in such a position due to~~ 2368  
~~being an employment service~~ referred ~~the person~~ to the agency ~~by~~ 2369  
~~an employment service~~ for employment in such a position; 2370

(iii) A self-employed provider who is an applicant because 2371  
the provider is bidding on a contract or grant with the agency to 2372  
provide community-based long-term care services; 2373

(iv) A self-employed provider who is an employee because the 2374  
provider has a contract or grant with the agency to provide 2375  
community-based long-term care services. 2376

(b) A PASSPORT administrative agency in the case of ~~either~~ 2377  
any of the following: 2378

(i) A person who is an applicant because the agency is giving 2379  
~~the person is under final consideration for employment with the~~ 2380  
~~agency in being hired into~~ a full-time, part-time, or temporary 2381  
direct-care position or ~~is an employment service~~ referred ~~the~~ 2382  
~~person~~ to the agency ~~by an employment service~~ for such a position; 2383

(ii) A person who is an employee because the agency employs 2384  
~~the person is employed by the agency~~ in a full-time, part-time, or 2385  
temporary direct-care position or ~~works in such a position due to~~ 2386  
~~being an employment service~~ referred ~~the person~~ to the agency ~~by~~ 2387  
~~an employment service~~ for employment in such a position; 2388

(iii) A self-employed provider who is an applicant because 2389  
the provider is applying under section 173.391 of the Revised Code 2390  
for certification to provide community-based long-term care 2391  
services and intends to provide the services in the area served by 2392

the agency; 2393

(iv) A self-employed provider who is an employee because the provider is certified under section 173.391 of the Revised Code to provide community-based long-term care services and provides the services in the area served by the agency. 2394  
2395  
2396  
2397

(c) A provider in the case of either of the following: 2398

(i) A person who is an applicant because the provider is giving the person ~~is under~~ final consideration for ~~employment with the provider in being hired into~~ a full-time, part-time, or 2399  
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2401  
temporary direct-care position or is an employment service 2402  
referred the person to the provider ~~by an employment service~~ for 2403  
such a position; 2404

(ii) A person who is an employee because the provider employs 2405  
the person ~~is employed by the provider~~ in a full-time, part-time, 2406  
or temporary direct-care position or ~~works in such a position due~~ 2407  
~~to being an employment service~~ referred the person to the provider 2408  
~~by an employment service~~ for employment in such a position. 2409

(d) A subcontractor in the case of either of the following: 2410

(i) A person who is an applicant because the subcontractor is giving the person ~~is under~~ final consideration for ~~employment with the subcontractor in being hired into~~ a full-time, part-time, or 2411  
2412  
2413  
temporary direct-care position or is an employment service 2414  
referred the person to the subcontractor ~~by an employment service~~ 2415  
for such a position; 2416

(ii) A person who is an employee because the subcontractor employs the person ~~is employed by the subcontractor~~ in a 2417  
2418  
full-time, part-time, or temporary direct-care position or ~~works~~ 2419  
~~in such a position due to being an employment service~~ referred the 2420  
person to the subcontractor ~~by an employment service~~ for 2421  
employment in such a position. 2422

(e) A consumer who, as the employer of record, directs a consumer-directed provider. 2423  
2424

(12) "Self-employed" means the state of working for one's self with no employees. A consumer-directed provider is not self-employed because the consumer is the employer of record. 2425  
2426  
2427

(13) "Subcontractor" has the meaning specified in rules adopted under this section. 2428  
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~~(13)~~(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 2430  
2431  
2432

~~(14)~~(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code. 2433  
2434

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. If a provider or subcontractor also is a waiver agency, the provider or subcontractor may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 5164.342 of the Revised Code rather than this section. 2435  
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(C) No responsible party shall ~~employ~~ hire an applicant or ~~continue to employ~~ retain an employee in a direct-care position if any of the following apply: 2444  
2445  
2446

(1) A review of the databases listed in division (E) of this section reveals any of the following: 2447  
2448

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section; 2449  
2450  
2451

(b) That there is in the state nurse aide registry 2452

established under section 3721.32 of the Revised Code a statement 2453  
detailing findings by the director of health that the applicant or 2454  
employee neglected or abused a long-term care facility or 2455  
residential care facility resident or misappropriated property of 2456  
such a resident; 2457

(c) That the applicant or employee is included in one or more 2458  
of the databases, if any, specified in rules adopted under this 2459  
section and the rules prohibit the responsible party from 2460  
~~employing~~ hiring an applicant or ~~continuing to employ~~ retaining an 2461  
employee included in such a database in a direct-care position. 2462

(2) After the applicant or employee is provided, pursuant to 2463  
division (F)(2)(a) of this section, a copy of the form prescribed 2464  
pursuant to division (C)(1) of section 109.572 of the Revised Code 2465  
and the standard impression sheet prescribed pursuant to division 2466  
(C)(2) of that section, the applicant or employee fails to 2467  
complete the form or provide the applicant's or employee's 2468  
fingerprint impressions on the standard impression sheet. 2469

(3) Unless the applicant or employee meets standards 2470  
specified in rules adopted under this section, the applicant or 2471  
employee is found by a criminal records check required by this 2472  
section to have been convicted of, or pleaded guilty to, ~~or been~~ 2473  
~~found eligible for intervention in lieu of conviction for a~~ 2474  
disqualifying offense. 2475

(D) Except as provided by division (G) of this section, the 2476  
chief administrator of a responsible party shall inform each 2477  
applicant of both of the following at the time of the applicant's 2478  
initial application for ~~employment~~ hiring into a direct-care 2479  
position or referral to the responsible party by an employment 2480  
service for a direct-care position: 2481

(1) That a review of the databases listed in division (E) of 2482  
this section will be conducted to determine whether the 2483



responsible party is prohibited by division (C)(1) of this section 2484  
from ~~employing~~ hiring the applicant ~~in~~ into the direct-care 2485  
position; 2486

(2) That, unless the database review reveals that the 2487  
applicant may not be ~~employed in~~ hired into the direct-care 2488  
position, a criminal records check of the applicant will be 2489  
conducted and the applicant is required to provide a set of the 2490  
applicant's fingerprint impressions as part of the criminal 2491  
records check. 2492

(E) As a condition of ~~employing~~ for hiring any applicant ~~in~~ 2493  
into a direct-care position, the chief administrator of a 2494  
responsible party shall conduct a database review of the applicant 2495  
in accordance with rules adopted under this section. If rules 2496  
adopted under this section so require, the chief administrator of 2497  
a responsible party shall conduct a database review of an employee 2498  
in accordance with the rules as a condition of ~~continuing to~~ 2499  
~~employ~~ retaining the employee in a direct-care position. However, 2500  
a chief administrator is not required to conduct a database review 2501  
of an applicant or employee if division (G) of this section 2502  
applies. A database review shall determine whether the applicant 2503  
or employee is included in any of the following: 2504

(1) The excluded parties list system that is maintained by 2505  
the United States general services administration pursuant to 2506  
subpart 9.4 of the federal acquisition regulation and available at 2507  
the federal web site known as the system for award management; 2508

(2) The list of excluded individuals and entities maintained 2509  
by the office of inspector general in the United States department 2510  
of health and human services pursuant to the "Social Security 2511  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 2512

(3) The registry of MR/DD employees established under section 2513  
5123.52 of the Revised Code; 2514

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 2515  
2516  
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 2518  
2519

(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 2520  
2521

(7) Any other database, if any, specified in rules adopted under this section. 2522  
2523

(F)(1) As a condition ~~of employing~~ for hiring any applicant ~~in~~ into a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition ~~of continuing to employ~~ for retaining the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from ~~employing hiring~~ hiring the applicant or ~~continuing to employ~~ retaining the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain 2524  
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information from the federal bureau of investigation as part of 2547  
the criminal records check. Even if an applicant or employee for 2548  
whom a criminal records check request is required by this section 2549  
presents proof of having been a resident of this state for the 2550  
five-year period, the chief administrator may request that the 2551  
superintendent include information from the federal bureau of 2552  
investigation in the criminal records check. 2553

(2) The chief administrator shall do all of the following: 2554

(a) Provide to each applicant and employee for whom a 2555  
criminal records check request is required by this section a copy 2556  
of the form prescribed pursuant to division (C)(1) of section 2557  
109.572 of the Revised Code and a standard impression sheet 2558  
prescribed pursuant to division (C)(2) of that section; 2559

(b) Obtain the completed form and standard impression sheet 2560  
from the applicant or employee; 2561

(c) Forward the completed form and standard impression sheet 2562  
to the superintendent. 2563

(3) A responsible party shall pay to the bureau of criminal 2564  
identification and investigation the fee prescribed pursuant to 2565  
division (C)(3) of section 109.572 of the Revised Code for each 2566  
criminal records check the responsible party requests under this 2567  
section. A responsible party may charge an applicant a fee not 2568  
exceeding the amount the responsible party pays to the bureau 2569  
under this section if both of the following apply: 2570

(a) The responsible party notifies the applicant at the time 2571  
of initial application for ~~employment~~ hiring into the position in 2572  
question of the amount of the fee and that, unless the fee is 2573  
paid, the applicant will not be considered for ~~employment~~ the 2574  
hiring. 2575

(b) The medicaid program does not pay the responsible party 2576  
for the fee it pays to the bureau under this section. 2577

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:

(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.

(2) The chief administrator of the responsible party receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the responsible party;

(b) In the case of an employee, the date by which the responsible party would otherwise have to request a criminal records check of the employee under division (F) of this section.

(H)(1) A responsible party may ~~employ~~ conditionally hire an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the responsible party is not prohibited by division (C)(1) of this section from ~~employing~~ hiring the applicant in a direct-care position and either of the following applies:

(a) The chief administrator of the responsible party requests the criminal records check in accordance with division (F) of this section not later than five business days after the responsible party conditionally hires the applicant ~~begins conditional employment~~.

(b) The applicant is referred to the responsible party by an employment service, the employment service or the applicant provides the chief administrator of the responsible party a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, or pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the responsible party when the employment service receives the results.

(2) If a responsible party ~~employs an applicant~~ hires an applicant pursuant to division (H)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the responsible party.

(3) A responsible party that ~~employs~~ conditionally hires an applicant ~~conditionally~~ pursuant to division (H)(1)(a) or (b) of this section shall ~~terminate the applicant's employment~~ remove the conditionally hired applicant from any job duties that require a criminal records check if the results of the criminal records

check, other than the results of any request for information from 2640  
the federal bureau of investigation, are not obtained within the 2641  
period ending sixty days after the date the request for the 2642  
criminal records check is made. ~~Regardless~~ 2643

Regardless of when the results of the criminal records check 2644  
are obtained, if the results indicate that the conditionally hired 2645  
applicant has been convicted of, or pleaded guilty to, ~~or been~~ 2646  
~~found eligible for intervention in lieu of conviction for a~~ 2647  
disqualifying offense, the responsible party shall terminate the 2648  
conditionally hired applicant's employment unless the applicant 2649  
meets standards specified in rules adopted under this section that 2650  
permit the responsible party to ~~employ~~ hire the applicant and the 2651  
responsible party chooses to ~~employ~~ hire the applicant. 2652  
Termination of employment under this division shall be considered 2653  
just cause for discharge for purposes of division (D)(2) of 2654  
section 4141.29 of the Revised Code if the applicant makes any 2655  
attempt to deceive the responsible party about the applicant's 2656  
criminal record. 2657

(I) The report of any criminal records check conducted 2658  
pursuant to a request made under this section is not a public 2659  
record for the purposes of section 149.43 of the Revised Code and 2660  
shall not be made available to any person other than the 2661  
following: 2662

(1) The applicant or employee who is the subject of the 2663  
criminal records check or the applicant's or employee's 2664  
representative; 2665

(2) The chief administrator of the responsible party 2666  
requesting the criminal ~~records check~~ record or the 2667  
administrator's representative; 2668

(3) The administrator of any other facility, agency, or 2669  
program that provides community-based long-term care services that 2670

is owned or operated by the same entity that owns or operates the 2671  
responsible party that requested the criminal records check; 2672

(4) The employment service that requested the criminal 2673  
records check; 2674

(5) The director of aging or a person authorized by the 2675  
director to monitor a responsible party's compliance with this 2676  
section; 2677

(6) The medicaid director and the staff of the department of 2678  
medicaid who are involved in the administration of the medicaid 2679  
program if either of the following apply: 2680

(a) In the case of a criminal records check requested by a 2681  
provider or subcontractor, the provider or subcontractor also is a 2682  
waiver agency; 2683

(b) In the case of a criminal records check requested by an 2684  
employment service, the employment service makes the request for 2685  
an applicant or employee the employment service refers to a 2686  
provider or subcontractor that also is a waiver agency. 2687

(7) A court, hearing officer, or other necessary individual 2688  
involved in a case dealing with any of the following: 2689

(a) A denial of ~~employment~~ hiring of the applicant or of 2690  
retention of the employee; 2691

(b) Employment or unemployment benefits of the applicant or 2692  
employee; 2693

(c) A civil or criminal action regarding the medicaid program 2694  
or a program the department of aging administers. 2695

(J) In a tort or other civil action for damages that is 2696  
brought as the result of an injury, death, or loss to person or 2697  
property caused by an applicant who a responsible party hires, or 2698  
an employee who a responsible party employs, in a direct-care 2699  
position, all of the following shall apply: 2700

(1) If the responsible party ~~employed~~ hired the applicant or retained the employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party ~~employed~~ conditionally hired the applicant in good faith ~~on a conditional basis~~ pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it ~~employed~~ conditionally hired the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith ~~employed~~ hired the applicant or retained the employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, or pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense.

(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.



(2) The rules shall specify all of the following:	2731
(a) The meaning of the term "subcontractor";	2732
(b) The procedures for conducting database reviews under this section;	2733 2734
(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	2735 2736 2737 2738
(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from <del>employing</del> <u>hiring</u> an applicant or <del>continuing to employ</del> <u>retaining</u> an employee who is found by a database review to be included in one or more of those databases;	2739 2740 2741 2742 2743
(e) Standards that an applicant or employee must meet for a responsible party to be permitted to <del>employ</del> <u>hire</u> the applicant or <del>continue to employ</del> <u>retain</u> the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, <u>or</u> pleaded guilty to, <del>or been found eligible for intervention in lieu of conviction for</del> a disqualifying offense.	2744 2745 2746 2747 2748 2749 2750
<b>Sec. 191.01.</b> As used in this chapter:	2751
(A) "Administrative safeguards," "availability," "confidentiality," "integrity," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.	2752 2753 2754 2755
(B) "Business associate," "covered entity," "health plan," "individually identifiable health information," and "protected health information" have the same meanings as in 45 C.F.R. 160.103.	2756 2757 2758 2759
(C) "Executive director of the office of health	2760

transformation" or "executive director" means the executive 2761  
director of the office of health transformation or the chief 2762  
administrative officer of a successor governmental entity 2763  
responsible for health system oversight in this state. 2764

(D) "Government program providing public benefits" means any 2765  
program administered by a state agency that has been identified, 2766  
pursuant to section 191.02 of the Revised Code, by the executive 2767  
director of the office of health transformation in consultation 2768  
with the individuals specified in that section. 2769

(E) "Office of health transformation" means the office of 2770  
health transformation created by executive order 2011-02K. 2771

(F) "Operating protocol" means a protocol adopted by the 2772  
executive director of the office of health transformation or the 2773  
executive director's designee under division (D) of section 191.06 2774  
of the Revised Code. 2775

(G) "Participating agency" means a state agency that 2776  
participates in a health transformation initiative as specified in 2777  
the one or more operating protocols adopted for the initiative 2778  
under division (D) of section 191.06 of the Revised Code. 2779

(H) "Personally identifiable information" means information 2780  
that meets both of the following criteria: 2781

(1) It identifies an individual or there is a reasonable 2782  
basis to believe that it may be used to identify an individual; 2783

(2) It relates to an individual's eligibility for, 2784  
application for, or receipt of public benefits from a government 2785  
program providing public benefits. 2786

(I) "State agency" means each of the following: 2787

(1) The department of administrative services; 2788

(2) The department of aging; 2789

(3) The development services agency; 2790

(4) The department of developmental disabilities;	2791
(5) The department of education;	2792
(6) The department of health;	2793
(7) The department of insurance;	2794
(8) The department of job and family services;	2795
(9) The department of medicaid;	2796
(10) The department of mental health and addiction services;	2797
(11) The department of rehabilitation and correction;	2798
(12) The department of taxation;	2799
(13) The department of veterans services;	2800
(14) The department of youth services;	2801
<u>(15) The opportunities for Ohioans with disabilities agency.</u>	2802
(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.	2803

<b>Sec. 340.02.</b> (A) For each alcohol, drug addiction, and mental health service district, there shall be appointed a board of alcohol, drug addiction, and mental health services consisting of eighteen members or fourteen members. Should the board of alcohol, drug addiction, and mental health services elect to remain at eighteen members, as provided under section 340.02 of the Revised Code as it existed immediately prior to the date of this amendment, the board of alcohol, drug addiction, and mental health services and the board of county commissioners shall not be required to take any action. Should the board of alcohol, drug addiction, and mental health services elect a recommendation to become a fourteen-member board, that recommendation must be approved by the board of county commissioners of the county in which the alcohol, drug addiction, and mental health district is located in order for the transition to a fourteen-member board to	2804
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occur. Not later than September 30, 2013, each board of alcohol, 2819  
drug addiction, and mental health services wishing to become a 2820  
fourteen-member board shall notify the board of county 2821  
commissioners of that recommendation. Failure of the board of 2822  
county commissioners to take action within thirty days after 2823  
receipt of the recommendation shall be deemed agreement by the 2824  
board of county commissioners to transition to a fourteen-member 2825  
board of alcohol, drug addiction, and mental health services. 2826  
Should the board of county commissioners reject the 2827  
recommendation, the board of county commissioners shall adopt a 2828  
resolution stating that rejection within thirty days after receipt 2829  
of the recommendation. Upon adoption of the resolution, the board 2830  
of county commissioners shall meet with the board of alcohol, drug 2831  
addiction, and mental health services to discuss the matter. After 2832  
the meeting, the board of county commissioners shall notify the 2833  
department of mental health and addiction services of its election 2834  
not later than January 1, 2014. In a joint-county district, a 2835  
majority of the boards of county commissioners must not reject the 2836  
recommendation of a joint-county board to become a fourteen-member 2837  
board in order for the transition to a fourteen-member board to 2838  
occur. Should the joint-county district have an even number of 2839  
counties, and the boards of county commissioners of these counties 2840  
tie in terms of whether or not to accept the recommendation of the 2841  
alcohol, drug addiction, and mental health services board, the 2842  
recommendation of the alcohol, drug addiction, and mental health 2843  
service board to become a fourteen-member board shall prevail. The 2844  
election shall be final. Failure to provide notice of its election 2845  
to the department on or before January 1, 2014, shall constitute 2846  
an election to continue to operate as an eighteen-member board, 2847  
which election shall also be final. If an existing board provides 2848  
timely notice of its election to transition to operate as a 2849  
fourteen-member board, the number of board members may decline 2850  
from eighteen to fourteen by attrition as current members' terms 2851

expire. However, the composition of the board must reflect the 2852  
requirements set forth in this section for fourteen-member boards. 2853  
For all boards, half of the members shall be interested in mental 2854  
health services and half of the members shall be interested in 2855  
alcohol, drug, or gambling addiction services. All members shall 2856  
be residents of the service district. The membership shall, as 2857  
nearly as possible, reflect the composition of the population of 2858  
the service district as to race and sex. 2859

(B) For boards operating as eighteen-member boards, the 2860  
director of mental health and addiction services shall appoint 2861  
eight members of the board and the board of county commissioners 2862  
shall appoint ten members. For boards operating as fourteen-member 2863  
boards, the director of mental health and addiction services shall 2864  
appoint six members of the board and the board of county 2865  
commissioners shall appoint eight members. In a joint-county 2866  
district, the county commissioners of each participating county 2867  
shall appoint members in as nearly as possible the same proportion 2868  
as that county's population bears to the total population of the 2869  
district, except that at least one member shall be appointed from 2870  
each participating county. 2871

(C) The director of mental health and addiction services 2872  
shall ensure that at least one member of the board is a clinician 2873  
with experience in the delivery of mental health services, at 2874  
least one member of the board is a person who has received or is 2875  
receiving mental health services ~~paid for by public funds~~, at 2876  
least one member of the board is a parent or other relative of 2877  
such a person, at least one member of the board is a clinician 2878  
with experience in the delivery of addiction services, at least 2879  
one member of the board is a person who has received or is 2880  
receiving addiction services ~~paid for by public funds~~, and at 2881  
least one member of the board is a parent or other relative of 2882  
such a person. A single member who meets both qualifications may 2883

fulfill the requirement for a clinician with experience in the 2884  
delivery of mental health services and a clinician with experience 2885  
in the delivery of addiction services. 2886

(D) No member or employee of a board of alcohol, drug 2887  
addiction, and mental health services shall serve as a member of 2888  
the board of any provider with which the board of alcohol, drug 2889  
addiction, and mental health services has entered into a contract 2890  
for the provision of services or facilities. No member of a board 2891  
of alcohol, drug addiction, and mental health services shall be an 2892  
employee of any provider with which the board has entered into a 2893  
contract for the provision of services or facilities. No person 2894  
shall be an employee of a board and such a provider unless the 2895  
board and provider both agree in writing. 2896

(E) No person shall serve as a member of the board of 2897  
alcohol, drug addiction, and mental health services whose spouse, 2898  
child, parent, brother, sister, grandchild, stepparent, stepchild, 2899  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 2900  
daughter-in-law, brother-in-law, or sister-in-law serves as a 2901  
member of the board of any provider with which the board of 2902  
alcohol, drug addiction, and mental health services has entered 2903  
into a contract for the provision of services or facilities. No 2904  
person shall serve as a member or employee of the board whose 2905  
spouse, child, parent, brother, sister, stepparent, stepchild, 2906  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 2907  
daughter-in-law, brother-in-law, or sister-in-law serves as a 2908  
county commissioner of a county or counties in the alcohol, drug 2909  
addiction, and mental health service district. 2910

(F) Each year each board member shall attend at least one 2911  
inservice training session provided or approved by the department 2912  
of mental health and addiction services. 2913

(G) For boards operating as eighteen-member boards, each 2914  
member shall be appointed for a term of four years, commencing the 2915

first day of July, except that one-third of initial appointments 2916  
to a newly established board, and to the extent possible to 2917  
expanded boards, shall be for terms of two years, one-third of 2918  
initial appointments shall be for terms of three years, and 2919  
one-third of initial appointments shall be for terms of four 2920  
years. For boards operating as fourteen-member boards, each member 2921  
shall be appointed for a term of four years, commencing the first 2922  
day of July, except that four of the initial appointments to a 2923  
newly established board, and to the extent possible to expanded 2924  
boards, shall be for terms of two years, five initial appointments 2925  
shall be for terms of three years, and five initial appointments 2926  
shall be for terms of four years. No member shall serve more than 2927  
two consecutive four-year terms under the same appointing 2928  
authority. A member may serve for three consecutive terms under 2929  
the same appointing authority only if one of the terms is for less 2930  
than two years. A member who has served two consecutive four-year 2931  
terms or three consecutive terms totaling less than ten years is 2932  
eligible for reappointment by the same appointing authority one 2933  
year following the end of the second or third term, respectively. 2934

When a vacancy occurs, appointment for the expired or 2935  
unexpired term shall be made in the same manner as an original 2936  
appointment. The appointing authority shall be notified by 2937  
certified mail of any vacancy and shall fill the vacancy within 2938  
sixty days following that notice. 2939

Any member of the board may be removed from office by the 2940  
appointing authority for neglect of duty, misconduct, or 2941  
malfeasance in office, and shall be removed by the appointing 2942  
authority if the member is barred by this section from serving as 2943  
a board member. The member shall be informed in writing of the 2944  
charges and afforded an opportunity for a hearing. Upon the 2945  
absence of a member within one year from either four board 2946  
meetings or from two board meetings without prior notice, the 2947

board shall notify the appointing authority, which may vacate the 2948  
appointment and appoint another person to complete the member's 2949  
term. 2950

Members of the board shall serve without compensation, but 2951  
shall be reimbursed for actual and necessary expenses incurred in 2952  
the performance of their official duties, as defined by rules of 2953  
the department of mental health and addiction services. 2954

**Sec. 340.021.** (A) In an alcohol, drug addiction, and mental 2955  
health service district where the board of county commissioners 2956  
has established an alcohol and drug addiction services board, the 2957  
community mental health board established under former section 2958  
340.02 of the Revised Code shall serve as the entity responsible 2959  
for providing mental health services in the county. A community 2960  
mental health board has all the powers, duties, and obligations of 2961  
a board of alcohol, drug addiction, and mental health services 2962  
with regard to mental health services. An alcohol and drug 2963  
addiction services board has all the powers, duties, and 2964  
obligations of a board of alcohol, drug addiction, and mental 2965  
health services with regard to addiction services. Any provision 2966  
of the Revised Code that refers to a board of alcohol, drug 2967  
addiction, and mental health services with regard to mental health 2968  
services also refers to a community mental health board and any 2969  
provision that refers to a board of alcohol, drug addiction, and 2970  
mental health services with regard to alcohol and drug addiction 2971  
services also refers to an alcohol and drug addiction services 2972  
board. 2973

An alcohol and drug addiction services board shall consist of 2974  
eighteen members or fourteen members, at the election of the 2975  
board. Not later than January 1, 2014, each alcohol and drug 2976  
addiction services board shall notify the department of mental 2977  
health and addiction services of its election to operate as an 2978



eighteen-member board or to operate as a fourteen-member board. 2979  
The election shall be final. Failure to provide notice of its 2980  
election to the department on or before January 1, 2014, shall 2981  
constitute an election to continue to operate as an 2982  
eighteen-member board. If an existing board provides timely notice 2983  
of its election to operate as a fourteen-member board, the number 2984  
of board members may decline from eighteen to fourteen by 2985  
attrition as current members' terms expire. However, the 2986  
composition of the board must reflect the requirements set forth 2987  
in this section and in applicable provisions of section 340.02 of 2988  
the Revised Code for fourteen-member boards. For boards operating 2989  
as eighteen-member boards, six members shall be appointed by the 2990  
director of mental health and addiction services and twelve 2991  
members shall be appointed by the board of county commissioners. 2992  
The director of mental health and addiction services shall ensure 2993  
that at least one member of the board is a person who has received 2994  
or is receiving services for alcohol, drug, or gambling addiction 2995  
~~paid for with public funds~~, at least one member is a parent or 2996  
relative of such a person, and at least one member is a clinician 2997  
with experience in the delivery of addiction services. The 2998  
membership of the board shall, as nearly as possible, reflect the 2999  
composition of the population of the service district as to race 3000  
and sex. Members shall be residents of the service district and 3001  
shall be interested in alcohol, drug, or gambling addiction 3002  
services. Requirements for membership, including prohibitions 3003  
against certain family and business relationships, and terms of 3004  
office shall be the same as those for members of boards of 3005  
alcohol, drug addiction, and mental health services. 3006

A community mental health board shall consist of eighteen 3007  
members or fourteen members, at the election of the board. Not 3008  
later than January 1, 2014, each community mental health board 3009  
shall notify the department of mental health and addiction 3010  
services of its election to operate as an eighteen-member board or 3011

to operate as a fourteen-member board. The election shall be 3012  
final. Failure to provide notice of its election to the department 3013  
on or before January 1, 2014, shall constitute an election to 3014  
continue to operate as an eighteen-member board. If an existing 3015  
board provides timely notice of its election to operate as a 3016  
fourteen-member board, the number of board members may decline 3017  
from eighteen to fourteen by attrition as current members' terms 3018  
expire. However, the composition of the board must reflect the 3019  
requirements set forth in this section and in applicable 3020  
provisions of section 340.02 of the Revised Code for 3021  
fourteen-member boards. For boards operating as eighteen-member 3022  
boards, six members shall be appointed by the director of mental 3023  
health and addiction services and twelve members shall be 3024  
appointed by the board of county commissioners. The director of 3025  
mental health and addiction services shall ensure that at least 3026  
one member of the board is a person who has received or is 3027  
receiving mental health services ~~paid for with public funds~~, at 3028  
least one member is a parent or relative of such a person, and at 3029  
least one member is a clinician with experience in the delivery of 3030  
mental health services. The membership of the board as nearly as 3031  
possible shall reflect the composition of the population of the 3032  
service district as to race and sex. Members shall be residents of 3033  
the service district and shall be interested in mental health 3034  
services. Requirements for membership, including prohibitions 3035  
against certain family and business relationships, and terms of 3036  
office shall be the same as those for members of boards of 3037  
alcohol, drug addiction, and mental health services. 3038

(B)(1) If a board of county commissioners subject to division 3039  
(A) of this section did not adopt a final resolution providing for 3040  
a board of alcohol, drug addiction, and mental health services on 3041  
or before July 1, 2007, the board of county commissioners may 3042  
establish a board of alcohol, drug addiction, and mental health 3043  
services on or after ~~the effective date of this amendment~~ 3044

September 23, 2008. To establish the board, the board of county 3045  
commissioners shall adopt a resolution providing for the board's 3046  
establishment. The composition of the board, the procedures for 3047  
appointing members, and all other matters related to the board and 3048  
its members are subject to section 340.02 of the Revised Code, 3049  
with the following exceptions: 3050

(a) For initial appointments to the board, the county's 3051  
community mental health board and alcohol and drug addiction 3052  
services board shall jointly recommend members of those boards for 3053  
reappointment and shall submit the recommendations to the board of 3054  
county commissioners and the director of mental health and 3055  
addiction services. 3056

(b) To the greatest extent possible, the appointing 3057  
authorities shall appoint the initial members from among the 3058  
members jointly recommended under division (B)(1)(a) of this 3059  
section. 3060

(2) If a board of alcohol, drug addiction, and mental health 3061  
services is established pursuant to division (B)(1) of this 3062  
section, the board has the same rights, privileges, immunities, 3063  
powers, and duties that were possessed by the county's community 3064  
mental health board and alcohol and drug addiction services board. 3065  
When the board is established, all property and obligations of the 3066  
community mental health board and alcohol and drug addiction 3067  
services board shall be transferred to the board of alcohol, drug 3068  
addiction, and mental health services. 3069

**Sec. 1321.535.** ~~(A)~~ Each applicant for a mortgage loan 3070  
originator license shall submit to a written test that is 3071  
developed and approved by the nationwide mortgage licensing system 3072  
and registry and administered by a test provider approved by the 3073  
nationwide mortgage licensing system and registry based upon 3074  
reasonable standards. 3075

~~(1)(A)~~ The test shall adequately measure the applicant's knowledge and comprehension in appropriate subject matters, including ethics and federal and state law related to mortgage origination, fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

~~(2)(B)~~ An individual shall not be considered to have passed the test unless the individual ~~achieves a test score of answers at least seventy-five per cent correct answers on all of the questions and at least seventy five per cent correct answers on all questions relating to Ohio mortgage lending laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees correctly.~~

~~(3)(C)~~ An individual may retake the test three consecutive times provided the period between taking the tests is at least thirty days.

~~(4)(D)~~ After failing three consecutive tests, an individual shall be required to wait at least six months before taking the test again.

~~(5)(E)~~ If a mortgage loan originator fails to maintain a valid license for a period of five years or longer, the individual shall be required to retake the test. For this purpose, any time during which the individual is a registered mortgage loan originator shall not be taken into account.

~~(B) Notwithstanding division (A) of this section, if the nationwide mortgage licensing system and registry fails to have in place a testing process that meets the criteria set forth in that division, the superintendent shall require, until that process is in place, evidence that the mortgage loan originator applicant passed a written test acceptable to the superintendent.~~

**Sec. 1321.55.** (A) Every registrant shall keep records

pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code. Such records shall be segregated from records pertaining to transactions that are not subject to these sections of the Revised Code. Every registrant shall preserve records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code for at least two years after making the final entry on such records. Accounting systems maintained in whole or in part by mechanical or electronic data processing methods that provide information equivalent to that otherwise required are acceptable for this purpose. At least once each eighteen-month cycle, the division of financial institutions shall make or cause to be made an examination of records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code, for the purpose of determining whether the registrant is complying with these sections and of verifying the registrant's annual report.

(B)(1) As required by the superintendent of financial institutions, each registrant shall file with the division each year a an annual report under oath or affirmation, on forms supplied by the division, concerning the business and operations for the preceding calendar year. Whenever a registrant operates two or more registered offices or whenever two or more affiliated registrants operate registered offices, then a composite report of the group of registered offices may be filed in lieu of individual reports. For purposes of compliance with this requirement, the superintendent may accept call reports or other reports of condition submitted to the nationwide mortgage licensing system and registry in lieu of the annual report.

(2) The ~~division~~ superintendent shall publish annually an analysis of the information required under ~~division~~ divisions (B)(1) and (3) of this section, but the individual reports, whether filed with the superintendent or the nationwide mortgage licensing system and registry, shall not be public records and

shall not be open to public inspection. 3138

(3) Each mortgage licensee shall submit to the nationwide 3139  
mortgage licensing system and registry call reports or other 3140  
reports of condition, which shall be in such form and shall 3141  
contain such information as the nationwide mortgage licensing 3142  
system and registry may require. 3143

(C)(1) The following information is confidential: 3144

(a) Examination information, and any information leading to 3145  
or arising from an examination; 3146

(b) Investigation information, and any information arising 3147  
from or leading to an investigation. 3148

(2) The information described in division (C)(1) of this 3149  
section shall remain confidential for all purposes except when it 3150  
is necessary for the superintendent to take official action 3151  
regarding the affairs of a registrant or licensee, or in 3152  
connection with criminal or civil proceedings to be initiated by a 3153  
prosecuting attorney or the attorney general. This information may 3154  
also be introduced into evidence or disclosed when and in the 3155  
manner authorized by section 1181.25 of the Revised Code. 3156

(D) All application information, except social security 3157  
numbers, employer identification numbers, financial account 3158  
numbers, the identity of the institution where financial accounts 3159  
are maintained, personal financial information, fingerprint cards 3160  
and the information contained on such cards, and criminal 3161  
background information, is a public record as defined in section 3162  
149.43 of the Revised Code. 3163

(E) This section does not prevent the division of financial 3164  
institutions from releasing to or exchanging with other financial 3165  
institution regulatory authorities information relating to 3166  
registrants and licensees. For this purpose, a "financial 3167  
institution regulatory authority" includes a regulator of a 3168

business activity in which a registrant or licensee is engaged, or 3169  
has applied to engage in, to the extent that the regulator has 3170  
jurisdiction over a registrant or licensee engaged in that 3171  
business activity. A registrant or licensee is engaged in a 3172  
business activity, and a regulator of that business activity has 3173  
jurisdiction over the registrant or licensee, whether the 3174  
registrant or licensee conducts the activity directly or a 3175  
subsidiary or affiliate of the registrant or licensee conducts the 3176  
activity. 3177

(1) Any confidentiality or privilege arising under federal or 3178  
state law with respect to any information or material provided to 3179  
the nationwide mortgage licensing system and registry shall 3180  
continue to apply to the information or material after the 3181  
information or material has been provided to the nationwide 3182  
mortgage licensing system and registry. The information and 3183  
material so provided may be shared with all state and federal 3184  
regulatory officials with mortgage industry oversight authority 3185  
without the loss of confidentiality or privilege protections 3186  
provided by federal law or the law of any state. Information or 3187  
material described in division (E)(1) of this section to which 3188  
confidentiality or privilege applies shall not be subject to any 3189  
of the following: 3190

(a) Disclosure under any federal or state law governing 3191  
disclosure to the public of information held by an officer or an 3192  
agency of the federal government or of the respective state; 3193

(b) Subpoena or discovery, or admission into evidence, in any 3194  
private civil action or administrative process, unless the person 3195  
to whom such information or material pertains waives, in whole or 3196  
in part and at the discretion of the person, any privilege held by 3197  
the nationwide mortgage licensing system and registry with respect 3198  
to that information or material. 3199

(2) The superintendent, in order to promote more effective 3200

regulation and reduce regulatory burden through supervisory 3201  
information sharing, may enter into sharing arrangements with 3202  
other governmental agencies, the conference of state bank 3203  
supervisors, and the American association of residential mortgage 3204  
regulators. 3205

(3) Any state law, including section 149.43 of the Revised 3206  
Code, relating to the disclosure of confidential supervisory 3207  
information or any information or material described in division 3208  
(C)(1) or (E)(1) of this section that is inconsistent with this 3209  
section shall be superseded by the requirements of this section. 3210

(F) This section shall not apply with respect to information 3211  
or material relating to the employment history of, and publicly 3212  
adjudicated disciplinary and enforcement actions against, mortgage 3213  
loan originators that is included in the nationwide mortgage 3214  
licensing system and registry for access by the public. 3215

(G) This section does not prevent the division from releasing 3216  
information relating to registrants and licensees to the attorney 3217  
general, to the superintendent of real estate and professional 3218  
licensing for purposes relating to the administration of Chapters 3219  
4735. and 4763. of the Revised Code, to the superintendent of 3220  
insurance for purposes relating to the administration of Chapter 3221  
3953. of the Revised Code, to the commissioner of securities for 3222  
purposes relating to the administration of Chapter 1707. of the 3223  
Revised Code, or to local law enforcement agencies and local 3224  
prosecutors. Information the division releases pursuant to this 3225  
section remains confidential. 3226

(H) The superintendent of financial institutions shall, by 3227  
rule adopted in accordance with Chapter 119. of the Revised Code, 3228  
establish a process by which mortgage loan originators may 3229  
challenge information provided to the nationwide mortgage 3230  
licensing system and registry by the superintendent. 3231



(I) No person, in connection with any examination or 3232  
investigation conducted by the superintendent under sections 3233  
1321.51 to 1321.60 of the Revised Code, shall knowingly do any of 3234  
the following: 3235

(1) Circumvent, interfere with, obstruct, or fail to 3236  
cooperate, including making a false or misleading statement, 3237  
failing to produce records, or intimidating or suborning any 3238  
witness; 3239

(2) Withhold, abstract, remove, mutilate, destroy, or secrete 3240  
any books, records, computer records, or other information; 3241

(3) Tamper with, alter, or manufacture any evidence. 3242

**Sec. 1322.03.** (A) An application for a certificate of 3243  
registration as a mortgage broker shall be in writing, under oath, 3244  
and in the form prescribed by the superintendent of financial 3245  
institutions. The application shall be accompanied by a 3246  
nonrefundable application fee of five hundred dollars for each 3247  
location of an office to be maintained by the applicant in 3248  
accordance with division (A) of section 1322.02 of the Revised 3249  
Code and any additional fee required by the nationwide mortgage 3250  
licensing system and registry. The application shall provide all 3251  
of the following: 3252

(1) The location or locations where the business is to be 3253  
transacted and whether any location is a residence. If any 3254  
location where the business is to be transacted is a residence, 3255  
the superintendent may require that the application be accompanied 3256  
by a copy of a zoning permit authorizing the use of the residence 3257  
for commercial purposes, or by a written opinion or other document 3258  
issued by the county or political subdivision where the residence 3259  
is located certifying that the use of the residence to transact 3260  
business as a mortgage broker is not prohibited by the county or 3261  
political subdivision. 3262

(2)(a) In the case of a sole proprietor, the name and address of the sole proprietor;	3263 3264
(b) In the case of a partnership, the name and address of each partner;	3265 3266
(c) In the case of a corporation, the name and address of each shareholder owning five per cent or more of the corporation;	3267 3268
(d) In the case of any other entity, the name and address of any person that owns five per cent or more of the entity that will transact business as a mortgage broker.	3269 3270 3271
(3) Each applicant shall designate an employee or owner of the applicant as the applicant's operations manager. While acting as the operations manager, the employee or owner shall be licensed as a loan originator under sections 1322.01 to 1322.12 of the Revised Code and shall not be employed by any other mortgage broker.	3272 3273 3274 3275 3276 3277
(4) Evidence that the person designated on the application pursuant to division (A)(3) of this section possesses at least three years of experience in the residential mortgage and lending field, which experience may include employment with or as a mortgage broker or with a depository institution, mortgage lending institution, or other lending institution, or possesses at least three years of other experience related specifically to the business of residential mortgage loans that the superintendent determines meets the requirements of division (A)(4) of this section;	3278 3279 3280 3281 3282 3283 3284 3285 3286 3287
(5) Evidence that the person designated on the application pursuant to division (A)(3) of this section has successfully completed the pre-licensing instruction requirements set forth in section 1322.031 of the Revised Code;	3288 3289 3290 3291
(6) Evidence of compliance with the surety bond requirements of section 1322.05 of the Revised Code and with sections 1322.01	3292 3293

to 1322.12 of the Revised Code; 3294

(7) In the case of a foreign business entity, evidence that 3295  
it maintains a license or registration pursuant to Chapter 1703., 3296  
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to 3297  
transact business in this state; 3298

(8) Evidence that the applicant's operations manager has 3299  
successfully completed the written test required ~~under division~~ 3300  
~~(A) of~~ by section 1322.051 of the Revised Code; 3301

(9) Any further information that the superintendent requires. 3302

(B) Upon the filing of the application and payment of the 3303  
nonrefundable application fee and any fee required by the 3304  
nationwide mortgage licensing system and registry, the 3305  
superintendent of financial institutions shall investigate the 3306  
applicant, and any individual whose identity is required to be 3307  
disclosed in the application, as set forth in division (B) of this 3308  
section. 3309

(1)(a) Notwithstanding division (K) of section 121.08 of the 3310  
Revised Code, the superintendent shall obtain a criminal history 3311  
records check and, as part of that records check, request that 3312  
criminal record information from the federal bureau of 3313  
investigation be obtained. To fulfill this requirement, the 3314  
superintendent shall do either of the following: 3315

(i) Request the superintendent of the bureau of criminal 3316  
identification and investigation, or a vendor approved by the 3317  
bureau, to conduct a criminal records check based on the 3318  
applicant's fingerprints or, if the fingerprints are unreadable, 3319  
based on the applicant's social security number, in accordance 3320  
with division (A)(12) of section 109.572 of the Revised Code; 3321

(ii) Authorize the nationwide mortgage licensing system and 3322  
registry to request a criminal history background check. 3323

(b) Any fee required under division (C)(3) of section 109.572 3324  
of the Revised Code or by the nationwide mortgage licensing system 3325  
and registry shall be paid by the applicant. 3326

(2) The superintendent shall conduct a civil records check. 3327

(3) If, in order to issue a certificate of registration to an 3328  
applicant, additional investigation by the superintendent outside 3329  
this state is necessary, the superintendent may require the 3330  
applicant to advance sufficient funds to pay the actual expenses 3331  
of the investigation, if it appears that these expenses will 3332  
exceed five hundred dollars. The superintendent shall provide the 3333  
applicant with an itemized statement of the actual expenses that 3334  
the applicant is required to pay. 3335

(C) The superintendent shall pay all funds advanced and 3336  
application and renewal fees and penalties the superintendent 3337  
receives pursuant to this section and section 1322.04 of the 3338  
Revised Code to the treasurer of state to the credit of the 3339  
consumer finance fund created in section 1321.21 of the Revised 3340  
Code. 3341

(D) If an application for a mortgage broker certificate of 3342  
registration does not contain all of the information required 3343  
under division (A) of this section, and if that information is not 3344  
submitted to the superintendent or to the nationwide mortgage 3345  
licensing system and registry within ninety days after the 3346  
superintendent or the nationwide mortgage licensing system and 3347  
registry requests the information in writing, including by 3348  
electronic transmission or facsimile, the superintendent may 3349  
consider the application withdrawn. 3350

(E) A mortgage broker certificate of registration and the 3351  
authority granted under that certificate is not transferable or 3352  
assignable and cannot be franchised by contract or any other 3353  
means. 3354

(F) The registration requirements of this chapter apply to 3355  
any person acting as a mortgage broker, and no person is exempt 3356  
from the requirements of this chapter on the basis of prior work 3357  
or employment as a mortgage broker. 3358

(G) The superintendent may establish relationships or enter 3359  
into contracts with the nationwide mortgage licensing system and 3360  
registry, or any entities designated by it, to collect and 3361  
maintain records and process transaction fees or other fees 3362  
related to mortgage broker certificates of registration or the 3363  
persons associated with a mortgage broker. 3364

**Sec. 1322.031.** (A) An application for a license as a loan 3365  
originator shall be in writing, under oath, and in the form 3366  
prescribed by the superintendent of financial institutions. The 3367  
application shall be accompanied by a nonrefundable application 3368  
fee of one hundred fifty dollars and any additional fee required 3369  
by the nationwide mortgage licensing system and registry. 3370

(B)(1) The application shall provide evidence, acceptable to 3371  
the superintendent, that the applicant has successfully completed 3372  
at least twenty-four hours of pre-licensing instruction consisting 3373  
of all of the following: 3374

(a) Twenty hours of instruction in a course or program of 3375  
study reviewed and approved by the nationwide mortgage licensing 3376  
system and registry; 3377

(b) Four hours of instruction in a course or program of study 3378  
reviewed and approved by the superintendent concerning state 3379  
lending laws and the Ohio consumer sales practices act, Chapter 3380  
1345. of the Revised Code, as it applies to registrants and 3381  
licensees. 3382

(2) Notwithstanding division (B)(1) of this section, until 3383  
the nationwide mortgage licensing system and registry implements a 3384

review and approval program, the application shall provide 3385  
evidence, as determined by the superintendent, that the applicant 3386  
has successfully completed at least twenty-four hours of 3387  
instruction in a course or program of study approved by the 3388  
superintendent that consists of at least all of the following: 3389

(a) Four hours of instruction concerning state and federal 3390  
mortgage lending laws, which shall include no less than two hours 3391  
on this chapter; 3392

(b) Four hours of instruction concerning the Ohio consumer 3393  
sales practices act, Chapter 1345. of the Revised Code, as it 3394  
applies to registrants and licensees; 3395

(c) Four hours of instruction concerning the loan application 3396  
process; 3397

(d) Two hours of instruction concerning the underwriting 3398  
process; 3399

(e) Two hours of instruction concerning the secondary market 3400  
for mortgage loans; 3401

(f) Four hours of instruction concerning the loan closing 3402  
process; 3403

(g) Two hours of instruction covering basic mortgage 3404  
financing concepts and terms; 3405

(h) Two hours of instruction concerning the ethical 3406  
responsibilities of a registrant and a licensee, including with 3407  
respect to confidentiality, consumer counseling, and the duties 3408  
and standards of care created in section 1322.081 of the Revised 3409  
Code. 3410

(3) For purposes of division (B)(1)(a) of this section, the 3411  
review and approval of a course or program of study includes the 3412  
review and approval of the provider of the course or program of 3413  
study. 3414

(4) If an applicant held a valid loan originator license 3415  
issued by this state at any time during the immediately preceding 3416  
five-year period, the applicant shall not be required to complete 3417  
any additional pre-licensing instruction. For this purpose, any 3418  
time during which the individual is a registered loan originator 3419  
shall not be taken into account. 3420

(5) A person having successfully completed the pre-licensing 3421  
education requirement reviewed and approved by the nationwide 3422  
mortgage licensing system and registry for any state within the 3423  
previous five years shall be granted credit toward completion of 3424  
the pre-licensing education requirement of this state. 3425

(C) In addition to the information required under division 3426  
(B) of this section, the application shall provide both of the 3427  
following: 3428

(1) Evidence that the applicant passed a written test that 3429  
meets the requirements described in ~~division (B)~~ of section 3430  
1322.051 of the Revised Code; 3431

(2) Any further information that the superintendent requires. 3432

(D) Upon the filing of the application and payment of the 3433  
application fee and any fee required by the nationwide mortgage 3434  
licensing system and registry, the superintendent of financial 3435  
institutions shall investigate the applicant as set forth in 3436  
division (D) of this section. 3437

(1)(a) Notwithstanding division (K) of section 121.08 of the 3438  
Revised Code, the superintendent shall obtain a criminal history 3439  
records check and, as part of the records check, request that 3440  
criminal record information from the federal bureau of 3441  
investigation be obtained. To fulfill this requirement, the 3442  
superintendent shall do either of the following: 3443

(i) Request the superintendent of the bureau of criminal 3444  
identification and investigation, or a vendor approved by the 3445

bureau, to conduct a criminal records check based on the 3446  
applicant's fingerprints or, if the fingerprints are unreadable, 3447  
based on the applicant's social security number, in accordance 3448  
with division (A)(12) of section 109.572 of the Revised Code; 3449

(ii) Authorize the nationwide mortgage licensing system and 3450  
registry to request a criminal history background check. 3451

(b) Any fee required under division (C)(3) of section 109.572 3452  
of the Revised Code or by the nationwide mortgage licensing system 3453  
and registry shall be paid by the applicant. 3454

(2) The superintendent shall conduct a civil records check. 3455

(3) If, in order to issue a license to an applicant, 3456  
additional investigation by the superintendent outside this state 3457  
is necessary, the superintendent may require the applicant to 3458  
advance sufficient funds to pay the actual expenses of the 3459  
investigation, if it appears that these expenses will exceed one 3460  
hundred fifty dollars. The superintendent shall provide the 3461  
applicant with an itemized statement of the actual expenses that 3462  
the applicant is required to pay. 3463

(E)(1) In connection with applying for a loan originator 3464  
license, the applicant shall furnish to the nationwide mortgage 3465  
licensing system and registry the following information concerning 3466  
the applicant's identity: 3467

(a) The applicant's fingerprints for submission to the 3468  
federal bureau of investigation, and any other governmental agency 3469  
or entity authorized to receive such information, for purposes of 3470  
a state, national, and international criminal history background 3471  
check; 3472

(b) Personal history and experience in a form prescribed by 3473  
the nationwide mortgage licensing system and registry, along with 3474  
authorization for the superintendent and the nationwide mortgage 3475  
licensing system and registry to obtain the following: 3476



(i) An independent credit report from a consumer reporting agency;	3477 3478
(ii) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.	3479 3480
(2) In order to effectuate the purposes of divisions (E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent may use the conference of state bank supervisors, or a wholly owned subsidiary, as a channeling agent for requesting information from and distributing information to the United States department of justice or any other governmental agency. The superintendent may also use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source related to matters subject to those divisions of this section.	3481 3482 3483 3484 3485 3486 3487 3488 3489 3490
(F) The superintendent shall pay all funds advanced and application and renewal fees and penalties the superintendent receives pursuant to this section and section 1322.041 of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code.	3491 3492 3493 3494 3495 3496
(G) If an application for a loan originator license does not contain all of the information required under this section, and if that information is not submitted to the superintendent or to the nationwide mortgage licensing system and registry within ninety days after the superintendent or the nationwide mortgage licensing system and registry requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.	3497 3498 3499 3500 3501 3502 3503 3504
(H)(1) The business of a loan originator shall principally be transacted at an office of the mortgage broker with whom the licensee is employed or associated, which office is registered in	3505 3506 3507

accordance with division (A) of section 1322.02 of the Revised Code. Each original loan originator license shall be deposited with and maintained by the mortgage broker at the mortgage broker's main office. A copy of the license shall be maintained and displayed at the office where the loan originator principally transacts business.

(2) If a loan originator's employment or association is terminated for any reason, the mortgage broker shall return the original loan originator license to the superintendent within five business days after the termination. The licensee may request the transfer of the license to another mortgage broker by submitting a transfer application, along with a fifteen dollar fee and any fee required by the national mortgage licensing system and registry, to the superintendent or may request the superintendent in writing to hold the license in escrow. Any licensee whose license is held in escrow shall cease activity as a loan originator. A licensee whose license is held in escrow shall be required to apply for renewal annually and to comply with the annual continuing education requirement.

(3) A mortgage broker may employ or be associated with a loan originator on a temporary basis pending the transfer of the loan originator's license to the mortgage broker, if the mortgage broker receives written confirmation from the superintendent that the loan originator is licensed under sections 1322.01 to 1322.12 of the Revised Code.

(4) Notwithstanding divisions (H)(1) to (3) of this section, if a licensee is employed by or associated with a person or entity listed in division (G)(2) of section 1322.01 of the Revised Code, all of the following apply:

(a) The licensee shall maintain and display the original loan originator license at the office where the licensee principally transacts business;

(b) If the loan originator's employment or association is 3540  
terminated, the loan originator shall return the original loan 3541  
originator license to the superintendent within five business days 3542  
after termination. The licensee may request the transfer of the 3543  
license to a mortgage broker or another person or entity listed in 3544  
division (G)(2) of section 1322.01 of the Revised Code by 3545  
submitting a transfer application, along with a fifteen-dollar fee 3546  
and any fee required by the national mortgage licensing system and 3547  
registry, to the superintendent or may request the superintendent 3548  
in writing to hold the license in escrow. A licensee whose license 3549  
is held in escrow shall cease activity as a loan originator. A 3550  
licensee whose license is held in escrow shall be required to 3551  
apply for renewal annually and to comply with the annual 3552  
continuing education requirement. 3553

(c) The licensee may seek to be employed or associated with a 3554  
mortgage broker or person or entity listed in division (G)(2) of 3555  
section 1322.01 of the Revised Code if the mortgage broker or 3556  
person or entity receives written confirmation from the 3557  
superintendent that the loan originator is licensed under sections 3558  
1322.01 to 1322.12 of the Revised Code. 3559

(I) The superintendent may establish relationships or enter 3560  
into contracts with the nationwide mortgage licensing system and 3561  
registry, or any entities designated by it, to collect and 3562  
maintain records and process transaction fees or other fees 3563  
related to loan originator licenses or the persons associated with 3564  
a licensee. 3565

(J) A loan originator license, or the authority granted under 3566  
that license, is not assignable and cannot be franchised by 3567  
contract or any other means. 3568

**Sec. 1322.04.** (A) Upon the conclusion of the investigation 3569  
required under division (B) of section 1322.03 of the Revised 3570

Code, the superintendent of financial institutions shall issue a 3571  
certificate of registration to the applicant if the superintendent 3572  
finds that the following conditions are met: 3573

(1) The application is accompanied by the application fee and 3574  
any fee required by the nationwide mortgage licensing system and 3575  
registry. 3576

(a) If a check or other draft instrument is returned to the 3577  
superintendent for insufficient funds, the superintendent shall 3578  
notify the applicant by certified mail, return receipt requested, 3579  
that the application will be withdrawn unless the applicant, 3580  
within thirty days after receipt of the notice, submits the 3581  
application fee and a one-hundred-dollar penalty to the 3582  
superintendent. If the applicant does not submit the application 3583  
fee and penalty within that time period, or if any check or other 3584  
draft instrument used to pay the fee or penalty is returned to the 3585  
superintendent for insufficient funds, the application shall be 3586  
withdrawn. 3587

(b) If a check or other draft instrument is returned to the 3588  
superintendent for insufficient funds after the certificate of 3589  
registration has been issued, the superintendent shall notify the 3590  
registrant by certified mail, return receipt requested, that the 3591  
certificate of registration issued in reliance on the check or 3592  
other draft instrument will be canceled unless the registrant, 3593  
within thirty days after receipt of the notice, submits the 3594  
application fee and a one-hundred-dollar penalty to the 3595  
superintendent. If the registrant does not submit the application 3596  
fee and penalty within that time period, or if any check or other 3597  
draft instrument used to pay the fee or penalty is returned to the 3598  
superintendent for insufficient funds, the certificate of 3599  
registration shall be canceled immediately without a hearing, and 3600  
the registrant shall cease activity as a mortgage broker. 3601

(2) If the application is for a location that is a residence, 3602

evidence that the use of the residence to transact business as a mortgage broker is not prohibited.

(3) The person designated on the application pursuant to division (A)(3) of section 1322.03 of the Revised Code meets the experience requirements provided in division (A)(4) of section 1322.03 of the Revised Code and the education requirements set forth in division (A)(5) of section 1322.03 of the Revised Code.

(4) The applicant maintains all necessary filings and approvals required by the secretary of state.

(5) The applicant complies with the surety bond requirements of section 1322.05 of the Revised Code.

(6) The applicant complies with sections 1322.01 to 1322.12 of the Revised Code and the rules adopted thereunder.

(7) Neither the applicant nor any person whose identity is required to be disclosed on an application for a mortgage broker certificate of registration has had a mortgage broker certificate of registration or loan originator license, or any comparable authority, revoked in any governmental jurisdiction or has pleaded guilty or nolo contendere to or been convicted of any of the following in a domestic, foreign, or military court:

(a) During the seven-year period immediately preceding the date of application for the certificate of registration, a misdemeanor involving theft or any felony;

(b) At any time prior to the date the application for the certificate of registration is approved, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.

(8) Based on the totality of the circumstances and information submitted in the application, the applicant has proven to the superintendent, by a preponderance of the evidence, that

the applicant is of good business repute, appears qualified to act 3633  
as a mortgage broker, has fully complied with sections 1322.01 to 3634  
1322.12 of the Revised Code and the rules adopted thereunder, and 3635  
meets all of the conditions for issuing a mortgage broker 3636  
certificate of registration. 3637

(9) The applicant's operations manager successfully completed 3638  
the examination required ~~under division (A) of~~ by section 1322.051 3639  
of the Revised Code. 3640

(10) The applicant's financial responsibility, experience, 3641  
character, and general fitness command the confidence of the 3642  
public and warrant the belief that the business will be operated 3643  
honestly and fairly in compliance with the purposes of sections 3644  
1322.01 to 1322.12 of the Revised Code and the rules adopted 3645  
thereunder. The superintendent shall not use a credit score as the 3646  
sole basis for registration denial. 3647

(B) For purposes of determining whether an applicant that is 3648  
a partnership, corporation, or other business entity or 3649  
association has met the conditions set forth in divisions (A)(7), 3650  
(A)(8), and (A)(10) of this section, the superintendent shall 3651  
determine which partners, shareholders, or persons named in the 3652  
application pursuant to division (A)(2) of section 1322.03 of the 3653  
Revised Code must meet the conditions set forth in divisions 3654  
(A)(7), (A)(8), and (A)(10) of this section. This determination 3655  
shall be based on the extent and nature of the partner's, 3656  
shareholder's, or person's ownership interest in the partnership, 3657  
corporation, or other business entity or association that is the 3658  
applicant and on whether the person is in a position to direct, 3659  
control, or adversely influence the operations of the applicant. 3660

(C) The certificate of registration issued pursuant to 3661  
division (A) of this section may be renewed annually on or before 3662  
the thirty-first day of December if the superintendent finds that 3663  
all of the following conditions are met: 3664

(1) The renewal application is accompanied by a nonrefundable 3665  
renewal fee of five hundred dollars for each location of an office 3666  
to be maintained by the applicant in accordance with division (A) 3667  
of section 1322.02 of the Revised Code and any fee required by the 3668  
nationwide mortgage licensing system and registry. If a check or 3669  
other draft instrument is returned to the superintendent for 3670  
insufficient funds, the superintendent shall notify the registrant 3671  
by certified mail, return receipt requested, that the certificate 3672  
of registration renewed in reliance on the check or other draft 3673  
instrument will be canceled unless the registrant, within thirty 3674  
days after receipt of the notice, submits the renewal fee and a 3675  
one-hundred-dollar penalty to the superintendent. If the 3676  
registrant does not submit the renewal fee and penalty within that 3677  
time period, or if any check or other draft instrument used to pay 3678  
the fee or penalty is returned to the superintendent for 3679  
insufficient funds, the certificate of registration shall be 3680  
canceled immediately without a hearing and the registrant shall 3681  
cease activity as a mortgage broker. 3682

(2) The operations manager designated under division (A)(3) 3683  
of section 1322.03 of the Revised Code has completed, at least 3684  
eight hours of continuing education as required under section 3685  
1322.052 of the Revised Code. 3686

(3) The applicant meets the conditions set forth in divisions 3687  
(A)(2) to (10) of this section. 3688

(4) The applicant's mortgage broker certificate of 3689  
registration is not subject to an order of suspension or an unpaid 3690  
and past due fine imposed by the superintendent. 3691

(D)(1) Subject to division (D)(2) of this section, if a 3692  
renewal fee or additional fee required by the nationwide mortgage 3693  
licensing system and registry is received by the superintendent 3694  
after the thirty-first day of December, the mortgage broker 3695  
certificate of registration shall not be considered renewed, and 3696

the applicant shall cease activity as a mortgage broker. 3697

(2) Division (D)(1) of this section shall not apply if the 3698  
applicant, no later than the thirty-first day of January, submits 3699  
the renewal fee or additional fee and a one-hundred-dollar penalty 3700  
to the superintendent. 3701

(E) If the person designated as the operations manager 3702  
pursuant to division (A)(3) of section 1322.03 of the Revised Code 3703  
is no longer the operations manager, the registrant shall do all 3704  
of the following: 3705

(1) Within ninety days after the departure of the designated 3706  
operations manager, designate another person as the operations 3707  
manager; 3708

(2) Within ten days after the designation described in 3709  
division (E)(1) of this section, notify the superintendent in 3710  
writing of the designation; 3711

(3) Submit any additional information that the superintendent 3712  
requires to establish that the newly designated operations manager 3713  
complies with the requirements set forth in section 1322.03 of the 3714  
Revised Code. 3715

(F) The registrant shall cease operations if it is without an 3716  
operations manager approved by the superintendent for more than 3717  
one hundred eighty days unless otherwise authorized in writing by 3718  
the superintendent due to exigent circumstances. 3719

(G) Mortgage broker certificates of registration issued on or 3720  
after May 1, 2010, annually expire on the thirty-first day of 3721  
December. 3722

**Sec. 1322.041.** (A) Upon the conclusion of the investigation 3723  
required under division (D) of section 1322.031 of the Revised 3724  
Code, the superintendent of financial institutions shall issue a 3725  
loan originator license to the applicant if the superintendent 3726



finds that the following conditions are met: 3727

(1) The application is accompanied by the application fee and 3728  
any fee required by the nationwide mortgage licensing system and 3729  
registry. 3730

(a) If a check or other draft instrument is returned to the 3731  
superintendent for insufficient funds, the superintendent shall 3732  
notify the applicant by certified mail, return receipt requested, 3733  
that the application will be withdrawn unless the applicant, 3734  
within thirty days after receipt of the notice, submits the 3735  
application fee and a one-hundred-dollar penalty to the 3736  
superintendent. If the applicant does not submit the application 3737  
fee and penalty within that time period, or if any check or other 3738  
draft instrument used to pay the fee or penalty is returned to the 3739  
superintendent for insufficient funds, the application shall be 3740  
withdrawn. 3741

(b) If a check or other draft instrument is returned to the 3742  
superintendent for insufficient funds after the license has been 3743  
issued, the superintendent shall notify the licensee by certified 3744  
mail, return receipt requested, that the license issued in 3745  
reliance on the check or other draft instrument will be canceled 3746  
unless the licensee, within thirty days after receipt of the 3747  
notice, submits the application fee and a one-hundred-dollar 3748  
penalty to the superintendent. If the licensee does not submit the 3749  
application fee and penalty within that time period, or if any 3750  
check or other draft instrument used to pay the fee or penalty is 3751  
returned to the superintendent for insufficient funds, the license 3752  
shall be canceled immediately without a hearing, and the licensee 3753  
shall cease activity as a loan originator. 3754

(2) The applicant complies with sections 1322.01 to 1322.12 3755  
of the Revised Code and the rules adopted thereunder. 3756

(3) The applicant has not been convicted of or pleaded guilty 3757

or nolo contendere to any of the following in a domestic, foreign, 3758  
or military court: 3759

(a) During the seven-year period immediately preceding the 3760  
date of application for the license, a misdemeanor involving theft 3761  
or any felony; 3762

(b) At any time prior to the date the application for the 3763  
license is approved, a felony involving an act of fraud, 3764  
dishonesty, a breach of trust, theft, or money laundering. 3765

(4) Based on the totality of the circumstances and 3766  
information submitted in the application, the applicant has proven 3767  
to the superintendent, by a preponderance of the evidence, that 3768  
the applicant is of good business repute, appears qualified to act 3769  
as a loan originator, has fully complied with sections 1322.01 to 3770  
1322.12 of the Revised Code and the rules adopted thereunder, and 3771  
meets all of the conditions for issuing a loan originator license. 3772

(5) The applicant successfully completed the written test 3773  
required ~~under division (B) of~~ by section 1322.051 of the Revised 3774  
Code and completed the prelicensing instruction set forth in 3775  
division (B) of section 1322.031 of the Revised Code. 3776

(6) The applicant's financial responsibility, character, and 3777  
general fitness command the confidence of the public and warrant 3778  
the belief that the business will be operated honestly and fairly 3779  
in compliance with the purposes of sections 1322.01 to 1322.12 of 3780  
the Revised Code. The superintendent shall not use a credit score 3781  
as the sole basis for a license denial. 3782

(7) The applicant is in compliance with the surety bond 3783  
requirements of section 1322.05 of the Revised Code. 3784

(8) The applicant has not had a loan originator license, or 3785  
comparable authority, revoked in any governmental jurisdiction. 3786

(B) The license issued under division (A) of this section may 3787

be renewed annually on or before the thirty-first day of December 3788  
if the superintendent finds that all of the following conditions 3789  
are met: 3790

(1) The renewal application is accompanied by a nonrefundable 3791  
renewal fee of one hundred fifty dollars and any fee required by 3792  
the nationwide mortgage licensing system and registry. If a check 3793  
or other draft instrument is returned to the superintendent for 3794  
insufficient funds, the superintendent shall notify the licensee 3795  
by certified mail, return receipt requested, that the license 3796  
renewed in reliance on the check or other draft instrument will be 3797  
canceled unless the licensee, within thirty days after receipt of 3798  
the notice, submits the renewal fee and a one-hundred-dollar 3799  
penalty to the superintendent. If the licensee does not submit the 3800  
renewal fee and penalty within that time period, or if any check 3801  
or other draft instrument used to pay the fee or penalty is 3802  
returned to the superintendent for insufficient funds, the license 3803  
shall be canceled immediately without a hearing, and the licensee 3804  
shall cease activity as a loan originator. 3805

(2) The applicant has completed at least eight hours of 3806  
continuing education as required under section 1322.052 of the 3807  
Revised Code. 3808

(3) The applicant meets the conditions set forth in divisions 3809  
(A)(2) to (8) of this section; provided, however, that an 3810  
applicant who was issued a loan officer license prior to January 3811  
1, 2010, and has continuously maintained that license shall not be 3812  
required to meet the condition described in division (B)(1)(b) of 3813  
section 1322.031 of the Revised Code. 3814

(4) The applicant's license is not subject to an order of 3815  
suspension or an unpaid and past due fine imposed by the 3816  
superintendent. 3817

(C)(1) Subject to division (C)(2) of this section, if a 3818

license renewal application or renewal fee, including any fee 3819  
required by the nationwide mortgage licensing system and registry, 3820  
is received by the superintendent after the thirty-first day of 3821  
December, the license shall not be considered renewed, and the 3822  
applicant shall cease activity as a loan originator. 3823

(2) Division (C)(1) of this section shall not apply if the 3824  
applicant, no later than the thirty-first day of January, submits 3825  
the renewal application and fees and a one-hundred-dollar penalty 3826  
to the superintendent. 3827

(D) Loan originator licenses issued on or after May 1, 2010, 3828  
annually expire on the thirty-first day of December. 3829

**Sec. 1322.051.** ~~(A) Each person designated under division 3830  
(A)(3) of section 1322.03 of the Revised Code to act as operations 3831  
manager for a mortgage broker business shall submit to a written 3832  
test approved by the superintendent of financial institutions. An 3833  
individual shall not be considered to have passed the written test 3834  
unless the individual achieves a test score of at least 3835  
seventy five per cent correct answers to all questions. 3836~~

~~(B) Each and each applicant for a loan originator license 3837  
shall submit to a written test that is developed and approved by 3838  
the nationwide mortgage licensing system and registry and 3839  
administered by a test provider approved by the nationwide 3840  
mortgage licensing system and registry based on reasonable 3841  
standards. 3842~~

~~(1)(A) The test shall adequately measure the designee's or 3843  
applicant's knowledge and comprehension in appropriate subject 3844  
areas, including ethics, federal and state law related to mortgage 3845  
origination, fraud, consumer protection, and the nontraditional 3846  
mortgage marketplace, and fair lending issues. 3847~~

~~(2)(B) An individual shall not be considered to have passed 3848~~

the written test unless the individual achieves a test score of 3849  
answers at least seventy-five per cent correct answers on all of 3850  
the questions and at least seventy five per cent correct answers 3851  
on all questions relating to state mortgage lending laws and the 3852  
Ohio consumer sales practices act, Chapter 1345. of the Revised 3853  
Code, as it applies to registrants and licensees correctly. 3854

~~(3)~~(C) An individual may retake the test three consecutive 3855  
times provided the period between taking the tests is at least 3856  
thirty days. If an individual fails three consecutive tests, the 3857  
individual shall be required to wait at least six months before 3858  
taking the test again. 3859

~~(4)~~(D) If a loan originator fails to maintain a valid loan 3860  
originator license for a period of five years or longer, the 3861  
individual shall be required to retake the test. 3862

For this purpose, any time during which the individual is a 3863  
registered loan originator shall not be taken into account. 3864

~~(C) Notwithstanding division (B) of this section, until the 3865  
nationwide mortgage licensing system and registry implements a 3866  
testing process that meets the criteria set forth in that 3867  
division, the superintendent shall require each applicant to pass 3868  
a written test acceptable to the superintendent.~~ 3869

**Sec. 1322.06.** (A) As often as the superintendent of financial 3870  
institutions considers it necessary, the superintendent may 3871  
examine the registrant's or licensee's records, including all 3872  
records created or processed by a licensee, pertaining to business 3873  
transacted pursuant to sections 1322.01 to 1322.12 of the Revised 3874  
Code. 3875

(B) A registrant or licensee shall maintain records 3876  
pertaining to business transacted pursuant to sections 1322.01 to 3877  
1322.12 of the Revised Code, including copies of all mortgage loan 3878

origination disclosure statements prepared in accordance with 3879  
section 1322.062 of the Revised Code, for four years. For purposes 3880  
of this division, "registrant or licensee" includes any person 3881  
whose certificate of registration or license is cancelled, 3882  
surrendered, or revoked or who otherwise ceases to engage in 3883  
business as a mortgage broker or loan originator. 3884

No registrant or licensee shall fail to comply with this 3885  
division. 3886

(C) Each registrant and licensee shall submit to the 3887  
nationwide mortgage licensing system and registry call reports or 3888  
other reports of condition, which reports shall be in such form 3889  
and shall contain such information as the nationwide mortgage 3890  
licensing system and registry may require. 3891

(D)(1) As required by the superintendent, each registrant 3892  
shall file with the division of financial institutions an annual 3893  
report under oath or affirmation, on forms supplied by the 3894  
division, concerning the business and operations of the registrant 3895  
for the preceding calendar year. If a registrant operates two or 3896  
more registered offices, or two or more affiliated registrants 3897  
operate registered offices, a composite report of the group of 3898  
registered offices may be filed in lieu of individual reports. For 3899  
purposes of compliance with this requirement, the superintendent 3900  
may accept call reports or other reports of condition submitted to 3901  
the nationwide mortgage licensing system and registry in lieu of 3902  
the annual report. 3903

(2) The ~~division~~ superintendent shall publish annually an 3904  
analysis of the information required under division (D)(1) of this 3905  
section, but the individual reports, whether filed with the 3906  
superintendent or the nationwide mortgage licensing system and 3907  
registry, shall not be public records and shall not be open to 3908  
public inspection or otherwise be subject to section 149.43 of the 3909  
Revised Code. 3910

**Sec. 1509.071.** (A) When the chief of the division of oil and gas resources management finds that an owner has failed to comply with a final nonappealable order issued or compliance agreement entered into under section 1509.04, the restoration requirements of section 1509.072, plugging requirements of section 1509.12, or permit provisions of section 1509.13 of the Revised Code, or rules and orders relating thereto, the chief shall make a finding of that fact and declare any surety bond filed to ensure compliance with those sections and rules forfeited in the amount set by rule of the chief. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the forfeiture. In addition, the chief may require an owner, operator, producer, or other person who forfeited a surety bond to post a new surety bond in the amount of fifteen thousand dollars for a single well, thirty thousand dollars for two wells, or fifty thousand dollars for three or more wells.

In lieu of total forfeiture, the surety or owner, at the surety's or owner's option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

The chief ~~annually shall~~ may spend ~~not less than fourteen per cent of the~~ revenue credited to the fund ~~during the previous fiscal year~~ for the following purposes:

(1) In accordance with division (D) of this section, to plug idle and orphaned wells or to restore the land surface properly as required in section 1509.072 of the Revised Code;

(2) In accordance with division (E) of this section, to

correct conditions that the chief reasonably has determined are 3942  
causing imminent health or safety risks at an idle and orphaned 3943  
well or a well for which the owner cannot be contacted in order to 3944  
initiate a corrective action within a reasonable period of time as 3945  
determined by the chief; 3946

(3) In accordance with rules adopted under division (I) of 3947  
this section, to develop infrastructure as a solution to problems 3948  
directly attributable to historic production operations. 3949

Expenditures from the fund shall be made only for lawful 3950  
purposes. In addition, expenditures from the fund shall not be 3951  
made to purchase real property or to remove a dwelling in order to 3952  
access a well. 3953

(C)(1) Upon determining that the owner of a well has failed 3954  
to properly plug and abandon it or to properly restore the land 3955  
surface at the well site in compliance with the applicable 3956  
requirements of this chapter and applicable rules adopted and 3957  
orders issued under it or that a well is an abandoned well for 3958  
which no funds are available to plug the well in accordance with 3959  
this chapter, the chief shall do all of the following: 3960

(a) Determine from the records in the office of the county 3961  
recorder of the county in which the well is located the identity 3962  
of the owner of the land on which the well is located, the 3963  
identity of the owner of the oil or gas lease under which the well 3964  
was drilled or the identity of each person owning an interest in 3965  
the lease, and the identities of the persons having legal title 3966  
to, or a lien upon, any of the equipment appurtenant to the well; 3967

(b) Mail notice to the owner of the land on which the well is 3968  
located informing the landowner that the well is to be plugged. If 3969  
the owner of the oil or gas lease under which the well was drilled 3970  
is different from the owner of the well or if any persons other 3971  
than the owner of the well own interests in the lease, the chief 3972



also shall mail notice that the well is to be plugged to the owner 3973  
of the lease or to each person owning an interest in the lease, as 3974  
appropriate. 3975

(c) Mail notice to each person having legal title to, or a 3976  
lien upon, any equipment appurtenant to the well, informing the 3977  
person that the well is to be plugged and offering the person the 3978  
opportunity to plug the well and restore the land surface at the 3979  
well site at the person's own expense in order to avoid forfeiture 3980  
of the equipment to this state. 3981

(2) If none of the persons described in division (C)(1)(c) of 3982  
this section plugs the well within sixty days after the mailing of 3983  
the notice required by that division, all equipment appurtenant to 3984  
the well is hereby declared to be forfeited to this state without 3985  
compensation and without the necessity for any action by the state 3986  
for use to defray the cost of plugging and abandoning the well and 3987  
restoring the land surface at the well site. 3988

(D) Expenditures from the fund for the purpose of division 3989  
(B)(1) of this section shall be made in accordance with either of 3990  
the following: 3991

(1) The expenditures may be made pursuant to contracts 3992  
entered into by the chief with persons who agree to furnish all of 3993  
the materials, equipment, work, and labor as specified and 3994  
provided in such a contract for activities associated with the 3995  
restoration or plugging of a well as determined by the chief. The 3996  
activities may include excavation to uncover a well, geophysical 3997  
methods to locate a buried well when clear evidence of leakage 3998  
from the well exists, cleanout of wellbores to remove material 3999  
from a failed plugging of a well, plugging operations, 4000  
installation of vault and vent systems, including associated 4001  
engineering certifications and permits, restoration of property, 4002  
and repair of damage to property that is caused by such 4003  
activities. Expenditures shall not be used for salaries, 4004

maintenance, equipment, or other administrative purposes, except 4005  
for costs directly attributed to the plugging of an idle and 4006  
orphaned well. Agents or employees of persons contracting with the 4007  
chief for a restoration or plugging project may enter upon any 4008  
land, public or private, on which the well is located for the 4009  
purpose of performing the work. Prior to such entry, the chief 4010  
shall give to the following persons written notice of the 4011  
existence of a contract for a project to restore or plug a well, 4012  
the names of the persons with whom the contract is made, and the 4013  
date that the project will commence: the owner of the well, the 4014  
owner of the land upon which the well is located, the owner or 4015  
agents of adjoining land, and, if the well is located in the same 4016  
township as or in a township adjacent to the excavations and 4017  
workings of a mine and the owner or lessee of that mine has 4018  
provided written notice identifying those townships to the chief 4019  
at any time during the immediately preceding three years, the 4020  
owner or lessee of the mine. 4021

(2)(a) The owner of the land on which a well is located who 4022  
has received notice under division (C)(1)(b) of this section may 4023  
plug the well and be reimbursed by the division of oil and gas 4024  
resources management for the reasonable cost of plugging the well. 4025  
In order to plug the well, the landowner shall submit an 4026  
application to the chief on a form prescribed by the chief and 4027  
approved by the technical advisory council on oil and gas created 4028  
in section 1509.38 of the Revised Code. The application, at a 4029  
minimum, shall require the landowner to provide the same 4030  
information as is required to be included in the application for a 4031  
permit to plug and abandon under section 1509.13 of the Revised 4032  
Code. The application shall be accompanied by a copy of a proposed 4033  
contract to plug the well prepared by a contractor regularly 4034  
engaged in the business of plugging oil and gas wells. The 4035  
proposed contract shall require the contractor to furnish all of 4036  
the materials, equipment, work, and labor necessary to plug the 4037

well properly and shall specify the price for doing the work, 4038  
including a credit for the equipment appurtenant to the well that 4039  
was forfeited to the state through the operation of division 4040  
(C)(2) of this section. Expenditures under division (D)(2)(a) of 4041  
this section shall be consistent with the expenditures for 4042  
activities described in division (D)(1) of this section. The 4043  
application also shall be accompanied by the permit fee required 4044  
by section 1509.13 of the Revised Code unless the chief, in the 4045  
chief's discretion, waives payment of the permit fee. The 4046  
application constitutes an application for a permit to plug and 4047  
abandon the well for the purposes of section 1509.13 of the 4048  
Revised Code. 4049

(b) Within thirty days after receiving an application and 4050  
accompanying proposed contract under division (D)(2)(a) of this 4051  
section, the chief shall determine whether the plugging would 4052  
comply with the applicable requirements of this chapter and 4053  
applicable rules adopted and orders issued under it and whether 4054  
the cost of the plugging under the proposed contract is 4055  
reasonable. If the chief determines that the proposed plugging 4056  
would comply with those requirements and that the proposed cost of 4057  
the plugging is reasonable, the chief shall notify the landowner 4058  
of that determination and issue to the landowner a permit to plug 4059  
and abandon the well under section 1509.13 of the Revised Code. 4060  
Upon approval of the application and proposed contract, the chief 4061  
shall transfer ownership of the equipment appurtenant to the well 4062  
to the landowner. The chief may disapprove an application 4063  
submitted under division (D)(2)(a) of this section if the chief 4064  
determines that the proposed plugging would not comply with the 4065  
applicable requirements of this chapter and applicable rules 4066  
adopted and orders issued under it, that the cost of the plugging 4067  
under the proposed contract is unreasonable, or that the proposed 4068  
contract is not a bona fide, arm's length contract. 4069

(c) After receiving the chief's notice of the approval of the application and permit to plug and abandon a well under division (D)(2)(b) of this section, the landowner shall enter into the proposed contract to plug the well.

(d) Upon determining that the plugging has been completed in compliance with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, the chief shall reimburse the landowner for the cost of the plugging as set forth in the proposed contract approved by the chief. The reimbursement shall be paid from the oil and gas well fund. If the chief determines that the plugging was not completed in accordance with the applicable requirements, the chief shall not reimburse the landowner for the cost of the plugging, and the landowner or the contractor, as applicable, promptly shall transfer back to this state title to and possession of the equipment appurtenant to the well that previously was transferred to the landowner under division (D)(2)(b) of this section. If any such equipment was removed from the well during the plugging and sold, the landowner shall pay to the chief the proceeds from the sale of the equipment, and the chief promptly shall pay the moneys so received to the treasurer of state for deposit into the oil and gas well fund.

The chief may establish an annual limit on the number of wells that may be plugged under division (D)(2) of this section or an annual limit on the expenditures to be made under that division.

As used in division (D)(2) of this section, "plug" and "plugging" include the plugging of the well and the restoration of the land surface disturbed by the plugging.

(E) Expenditures from the oil and gas well fund for the purpose of division (B)(2) of this section may be made pursuant to contracts entered into by the chief with persons who agree to

furnish all of the materials, equipment, work, and labor as 4102  
specified and provided in such a contract. The competitive bidding 4103  
requirements of Chapter 153. of the Revised Code do not apply if 4104  
the chief reasonably determines that an emergency situation exists 4105  
requiring immediate action for the correction of the applicable 4106  
health or safety risk. A contract or purchase of materials for 4107  
purposes of addressing the emergency situation is not subject to 4108  
division (B) of section 127.16 of the Revised Code. The chief, 4109  
designated representatives of the chief, and agents or employees 4110  
of persons contracting with the chief under this division may 4111  
enter upon any land, public or private, for the purpose of 4112  
performing the work. 4113

(F) Contracts entered into by the chief under this section 4114  
are not subject to any of the following: 4115

(1) Chapter 4115. of the Revised Code; 4116

(2) Section 153.54 of the Revised Code, except that the 4117  
contractor shall obtain and provide to the chief as a bid guaranty 4118  
a surety bond or letter of credit in an amount equal to ten per 4119  
cent of the amount of the contract; 4120

(3) Section 4733.17 of the Revised Code. 4121

(G) The owner of land on which a well is located who has 4122  
received notice under division (C)(1)(b) of this section, in lieu 4123  
of plugging the well in accordance with division (D)(2) of this 4124  
section, may cause ownership of the well to be transferred to an 4125  
owner who is lawfully doing business in this state and who has met 4126  
the financial responsibility requirements established under 4127  
section 1509.07 of the Revised Code, subject to the approval of 4128  
the chief. The transfer of ownership also shall be subject to the 4129  
landowner's filing the appropriate forms required under section 4130  
1509.31 of the Revised Code and providing to the chief sufficient 4131  
information to demonstrate the landowner's or owner's right to 4132

produce a formation or formations. That information may include a deed, a lease, or other documentation of ownership or property rights.

The chief shall approve or disapprove the transfer of ownership of the well. If the chief approves the transfer, the owner is responsible for operating the well in accordance with this chapter and rules adopted under it, including, without limitation, all of the following:

(1) Filing an application with the chief under section 1509.06 of the Revised Code if the owner intends to drill deeper or produce a formation that is not listed in the records of the division for that well;

(2) Taking title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner;

(3) Complying with all applicable requirements that are necessary to drill deeper, plug the well, or plug back the well.

(H) The chief shall issue an order that requires the owner of a well to pay the actual documented costs of a corrective action that is described in division (B)(2) of this section concerning the well. The chief shall transmit the money so recovered to the treasurer of state who shall deposit the money in the state treasury to the credit of the oil and gas well fund.

(I) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the development of infrastructure as a solution to problems directly attributable to historic production operations. The rules shall establish criteria for determining the types of infrastructure for which revenues may be used under division (B)(3) of this section.

(J) The chief may engage in cooperative projects under this section with any agency of this state, another state, or the

United States; any other governmental agencies; or any state 4164  
university or college as defined in section 3345.27 of the Revised 4165  
Code. A contract entered into for purposes of a cooperative 4166  
project is not subject to division (B) of section 127.16 of the 4167  
Revised Code. 4168

**Sec. 1533.10.** Except as provided in this section or division 4169  
(A)(2) of section 1533.12 or section 1533.73 or 1533.731 of the 4170  
Revised Code, no person shall hunt any wild bird or wild quadruped 4171  
without a hunting license. Each day that any person hunts within 4172  
the state without procuring such a license constitutes a separate 4173  
offense. Except as otherwise provided in this section, every 4174  
applicant for a hunting license who is a resident of the state and 4175  
eighteen years of age or more shall procure a resident hunting 4176  
license or an apprentice resident hunting license, the fee for 4177  
which shall be eighteen dollars unless the rules adopted under 4178  
division (B) of section 1533.12 of the Revised Code provide for 4179  
issuance of a resident hunting license to the applicant free of 4180  
charge. Except as provided in rules adopted under division (B)(2) 4181  
of that section, each applicant who is a resident of this state 4182  
and who at the time of application is sixty-six years of age or 4183  
older shall procure a special senior hunting license, the fee for 4184  
which shall be one-half of the regular hunting license fee. Every 4185  
applicant who is under the age of eighteen years shall procure a 4186  
special youth hunting license or an apprentice youth hunting 4187  
license, the fee for which shall be one-half of the regular 4188  
hunting license fee. 4189

A resident of this state who owns lands in the state and the 4190  
owner's children of any age and grandchildren under eighteen years 4191  
of age may hunt on the lands without a hunting license. A resident 4192  
of any other state who owns real property in this state, and the 4193  
spouse and children living with the property owner, may hunt on 4194  
that property without a license, provided that the state of 4195

residence of the real property owner allows residents of this 4196  
state owning real property in that state, and the spouse and 4197  
children living with the property owner, to hunt without a 4198  
license. If the owner of land in this state is a limited liability 4199  
company or a limited liability partnership that consists of three 4200  
or fewer individual members or partners, as applicable, an 4201  
individual member or partner who is a resident of this state and 4202  
the member's or partner's children of any age and grandchildren 4203  
under eighteen years of age may hunt on the land owned by the 4204  
limited liability company or limited liability partnership without 4205  
a hunting license. In addition, if the owner of land in this state 4206  
is a trust that has a total of three or fewer trustees and 4207  
beneficiaries, an individual who is a trustee or beneficiary and 4208  
who is a resident of this state and the individual's children of 4209  
any age and grandchildren under eighteen years of age may hunt on 4210  
the land owned by the trust without a hunting license. The tenant 4211  
and children of the tenant, residing on lands in the state, may 4212  
hunt on them without a hunting license. 4213

Except as otherwise provided in division (A)(1) of section 4214  
1533.12 of the Revised Code, every applicant for a hunting license 4215  
who is a nonresident of the state and who is eighteen years of age 4216  
or older shall procure a nonresident hunting license or an 4217  
apprentice nonresident hunting license, the fee for which shall be 4218  
one hundred ~~twenty-four~~ forty-nine dollars unless the applicant is 4219  
a resident of a state that is a party to an agreement under 4220  
section 1533.91 of the Revised Code, in which case the fee shall 4221  
be eighteen dollars. Apprentice resident hunting licenses, 4222  
apprentice youth hunting licenses, and apprentice nonresident 4223  
hunting licenses are subject to the requirements established under 4224  
section 1533.102 of the Revised Code and rules adopted pursuant to 4225  
it. 4226

The chief of the division of wildlife may issue a small game 4227



hunting license expiring three days from the effective date of the 4228  
license to a nonresident of the state, the fee for which shall be 4229  
thirty-nine dollars. No person shall take or possess deer, wild 4230  
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 4231  
animal while possessing only a small game hunting license. A small 4232  
game hunting license or an apprentice nonresident hunting license 4233  
does not authorize the taking or possessing of ducks, geese, or 4234  
brant without having obtained, in addition to the small game 4235  
hunting license or the apprentice nonresident hunting license, a 4236  
wetlands habitat stamp as provided in section 1533.112 of the 4237  
Revised Code. A small game hunting license or an apprentice 4238  
nonresident hunting license does not authorize the taking or 4239  
possessing of deer, wild turkeys, or fur-bearing animals. A 4240  
nonresident of the state who wishes to take or possess deer, wild 4241  
turkeys, or fur-bearing animals in this state shall procure, 4242  
respectively, a deer or wild turkey permit as provided in section 4243  
1533.11 of the Revised Code or a fur taker permit as provided in 4244  
section 1533.111 of the Revised Code in addition to a nonresident 4245  
hunting license, an apprentice nonresident hunting license, a 4246  
special youth hunting license, or an apprentice youth hunting 4247  
license, as applicable, as provided in this section. 4248

No person shall procure or attempt to procure a hunting 4249  
license by fraud, deceit, misrepresentation, or any false 4250  
statement. 4251

This section does not authorize the taking and possessing of 4252  
deer or wild turkeys without first having obtained, in addition to 4253  
the hunting license required by this section, a deer or wild 4254  
turkey permit as provided in section 1533.11 of the Revised Code 4255  
or the taking and possessing of ducks, geese, or brant without 4256  
first having obtained, in addition to the hunting license required 4257  
by this section, a wetlands habitat stamp as provided in section 4258  
1533.112 of the Revised Code. 4259

This section does not authorize the hunting or trapping of 4260  
fur-bearing animals without first having obtained, in addition to 4261  
a hunting license required by this section, a fur taker permit as 4262  
provided in section 1533.111 of the Revised Code. 4263

No hunting license shall be issued unless it is accompanied 4264  
by a written explanation of the law in section 1533.17 of the 4265  
Revised Code and the penalty for its violation, including a 4266  
description of terms of imprisonment and fines that may be 4267  
imposed. 4268

No hunting license, other than an apprentice hunting license, 4269  
shall be issued unless the applicant presents to the agent 4270  
authorized to issue the license a previously held hunting license 4271  
or evidence of having held such a license in content and manner 4272  
approved by the chief, a certificate of completion issued upon 4273  
completion of a hunter education and conservation course approved 4274  
by the chief, or evidence of equivalent training in content and 4275  
manner approved by the chief. A previously held apprentice hunting 4276  
license does not satisfy the requirement concerning the 4277  
presentation of a previously held hunting license or evidence of 4278  
it. 4279

No person shall issue a hunting license, except an apprentice 4280  
hunting license, to any person who fails to present the evidence 4281  
required by this section. No person shall purchase or obtain a 4282  
hunting license, other than an apprentice hunting license, without 4283  
presenting to the issuing agent the evidence required by this 4284  
section. Issuance of a hunting license in violation of the 4285  
requirements of this section is an offense by both the purchaser 4286  
of the illegally obtained hunting license and the clerk or agent 4287  
who issued the hunting license. Any hunting license issued in 4288  
violation of this section is void. 4289

The chief, with approval of the wildlife council, shall adopt 4290  
rules prescribing a hunter education and conservation course for 4291

first-time hunting license buyers, other than buyers of apprentice 4292  
hunting licenses, and for volunteer instructors. The course shall 4293  
consist of subjects including, but not limited to, hunter safety 4294  
and health, use of hunting implements, hunting tradition and 4295  
ethics, the hunter and conservation, the law in section 1533.17 of 4296  
the Revised Code along with the penalty for its violation, 4297  
including a description of terms of imprisonment and fines that 4298  
may be imposed, and other law relating to hunting. Authorized 4299  
personnel of the division or volunteer instructors approved by the 4300  
chief shall conduct such courses with such frequency and at such 4301  
locations throughout the state as to reasonably meet the needs of 4302  
license applicants. The chief shall issue a certificate of 4303  
completion to each person who successfully completes the course 4304  
and passes an examination prescribed by the chief. 4305

**Sec. 1533.11.** (A)(1) Except as provided in this section or 4306  
section 1533.731 of the Revised Code, no person shall hunt deer on 4307  
lands of another without first obtaining an annual deer permit. 4308  
Except as provided in this section, no person shall hunt wild 4309  
turkeys on lands of another without first obtaining an annual wild 4310  
turkey permit. ~~Each~~ 4311

(2) ~~Each~~ applicant for a ~~deer or~~ wild turkey permit shall pay 4312  
an annual fee of twenty-three dollars for ~~each~~ the permit unless 4313  
the rules adopted under division (B) of section 1533.12 of the 4314  
Revised Code provide for issuance of a ~~deer or~~ wild turkey permit 4315  
to the applicant free of charge. Except as provided in rules 4316  
adopted under division (B)(2) of that section, each applicant who 4317  
is a resident of this state and who at the time of application is 4318  
sixty-six years of age or older shall procure a senior ~~deer or~~ 4319  
wild turkey permit, the fee for which shall be one-half of the 4320  
regular ~~deer or~~ wild turkey permit fee. Each applicant who is 4321  
under the age of eighteen years shall procure a youth ~~deer or~~ wild 4322  
turkey permit, the fee for which shall be one-half of the regular 4323

deer or wild turkey permit fee. ~~Except~~ 4324

(3) Each applicant for a deer permit who is a resident of 4325  
this state shall procure a resident deer permit, the fee for which 4326  
is twenty-three dollars unless the rules adopted under division 4327  
(B) of section 1533.12 of the Revised Code provide for issuance of 4328  
a deer permit to the applicant free of charge. Each applicant for 4329  
a deer permit who is a nonresident of this state shall procure a 4330  
nonresident deer permit, the fee for which is ninety-nine dollars 4331  
unless the rules adopted under that division provide for issuance 4332  
of a deer permit to the applicant free of charge. Except as 4333  
provided in rules adopted under division (B)(2) of section 1533.12 4334  
of the Revised Code, each applicant who is a resident of this 4335  
state and who at the time of application is sixty-six years of age 4336  
or older shall procure a senior resident deer permit, the fee for 4337  
which is one-half of the regular resident deer permit fee. Each 4338  
applicant who is under the age of eighteen years, regardless of 4339  
residency, shall procure a youth deer permit, the fee for which is 4340  
one-half of the regular resident deer permit fee. 4341

(4) As used in this chapter, "deer permit" includes a 4342  
resident deer permit and a nonresident deer permit unless the 4343  
context indicates otherwise. 4344

(5) Except as provided in division (A)(2) of section 1533.12 4345  
of the Revised Code, a deer or wild turkey permit shall run 4346  
concurrently with the hunting license. The money received shall be 4347  
paid into the state treasury to the credit of the wildlife fund, 4348  
created in section 1531.17 of the Revised Code, exclusively for 4349  
the use of the division of wildlife in the acquisition and 4350  
development of land for deer or wild turkey management, for 4351  
investigating deer or wild turkey problems, and for the stocking, 4352  
management, and protection of deer or wild turkey. Every person, 4353  
while hunting deer or wild turkey on lands of another, shall carry 4354  
the person's deer or wild turkey permit and exhibit it to any 4355

enforcement officer so requesting. Failure to so carry and exhibit 4356  
such a permit constitutes an offense under this section. The chief 4357  
of the division of wildlife shall adopt any additional rules the 4358  
chief considers necessary to carry out this section and section 4359  
1533.10 of the Revised Code. 4360

An owner who is a resident of this state or an owner who is 4361  
exempt from obtaining a hunting license under section 1533.10 of 4362  
the Revised Code and the children of the owner of lands in this 4363  
state may hunt deer or wild turkey thereon without a deer or wild 4364  
turkey permit. If the owner of land in this state is a limited 4365  
liability company or a limited liability partnership that consists 4366  
of three or fewer individual members or partners, as applicable, 4367  
an individual member or partner who is a resident of this state 4368  
and the member's or partner's children of any age may hunt deer or 4369  
wild turkey on the land owned by the limited liability company or 4370  
limited liability partnership without a deer or wild turkey 4371  
permit. In addition, if the owner of land in this state is a trust 4372  
that has a total of three or fewer trustees and beneficiaries, an 4373  
individual who is a trustee or beneficiary and who is a resident 4374  
of this state and the individual's children of any age may hunt 4375  
deer or wild turkey on the land owned by the trust without a deer 4376  
or wild turkey permit. The tenant and children of the tenant may 4377  
hunt deer or wild turkey on lands where they reside without a deer 4378  
or wild turkey permit. 4379

(B) A deer or wild turkey permit is not transferable. No 4380  
person shall carry a deer or wild turkey permit issued in the name 4381  
of another person. 4382

(C) The wildlife refunds fund is hereby created in the state 4383  
treasury. The fund shall consist of money received from 4384  
application fees for deer permits that are not issued. Money in 4385  
the fund shall be used to make refunds of such application fees. 4386

(D) If the division establishes a system for the electronic 4387

submission of information regarding deer or wild turkey that are 4388  
taken, the division shall allow the owner and the children of the 4389  
owner of lands in this state to use the owner's name or address 4390  
for purposes of submitting that information electronically via 4391  
that system. 4392

**Sec. 1533.12.** (A)(1) Except as otherwise provided in division 4393  
(A)(2) of this section, every person on active duty in the armed 4394  
forces of the United States who is stationed in this state and who 4395  
wishes to engage in an activity for which a license, permit, or 4396  
stamp is required under this chapter first shall obtain the 4397  
requisite license, permit, or stamp. Such a person is eligible to 4398  
obtain a resident hunting or fishing license regardless of whether 4399  
the person qualifies as a resident of this state. To obtain a 4400  
resident hunting or fishing license, the person shall present a 4401  
card or other evidence identifying the person as being on active 4402  
duty in the armed forces of the United States and as being 4403  
stationed in this state. 4404

(2) Every person on active duty in the armed forces of the 4405  
United States, while on leave or furlough, may take or catch fish 4406  
of the kind lawfully permitted to be taken or caught within the 4407  
state, may hunt any wild bird or wild quadruped lawfully permitted 4408  
to be hunted within the state, and may trap fur-bearing animals 4409  
lawfully permitted to be trapped within the state, without 4410  
procuring a fishing license, a hunting license, a fur taker 4411  
permit, or a wetlands habitat stamp required by this chapter, 4412  
provided that the person shall carry on the person when fishing, 4413  
hunting, or trapping, a card or other evidence identifying the 4414  
person as being on active duty in the armed forces of the United 4415  
States, and provided that the person is not otherwise violating 4416  
any of the hunting, fishing, and trapping laws of this state. 4417

In order to hunt deer or wild turkey, any such person shall 4418

obtain a resident deer or wild turkey permit, as applicable, under 4419  
section 1533.11 of the Revised Code. Such a person is eligible to 4420  
obtain a resident deer permit regardless of whether the person is 4421  
a resident of this state. However, the person need not obtain a 4422  
hunting license in order to obtain ~~such a~~ either permit. 4423

(B) The chief of the division of wildlife shall provide by 4424  
rule adopted under section 1531.10 of the Revised Code all of the 4425  
following: 4426

(1) Every resident of this state with a disability that has 4427  
been determined by the veterans administration to be permanently 4428  
and totally disabling, who receives a pension or compensation from 4429  
the veterans administration, and who received an honorable 4430  
discharge from the armed forces of the United States, and every 4431  
veteran to whom the registrar of motor vehicles has issued a set 4432  
of license plates under section 4503.41 of the Revised Code, shall 4433  
be issued a fishing license, hunting license, fur taker permit, 4434  
deer or wild turkey permit, or wetlands habitat stamp, or any 4435  
combination of those licenses, permits, and stamp, free of charge 4436  
on an annual, multi-year, or lifetime basis as determined 4437  
appropriate by the chief when application is made to the chief in 4438  
the manner prescribed by and on forms provided by the chief. 4439

(2) Every resident of the state who was born on or before 4440  
December 31, 1937, shall be issued an annual fishing license, 4441  
hunting license, fur taker permit, deer or wild turkey permit, or 4442  
wetlands habitat stamp, or any combination of those licenses, 4443  
permits, and stamp, free of charge when application is made to the 4444  
chief in the manner prescribed by and on forms provided by the 4445  
chief. 4446

(3) Every resident of state or county institutions, 4447  
charitable institutions, and military homes in this state shall be 4448  
issued an annual fishing license free of charge when application 4449  
is made to the chief in the manner prescribed by and on forms 4450

provided by the chief. 4451

(4) Any mobility impaired or blind person, as defined in 4452  
section 955.011 of the Revised Code, who is a resident of this 4453  
state and who is unable to engage in fishing without the 4454  
assistance of another person shall be issued an annual fishing 4455  
license free of charge when application is made to the chief in 4456  
the manner prescribed by and on forms provided by the chief. The 4457  
person who is assisting the mobility impaired or blind person may 4458  
assist in taking or catching fish of the kind permitted to be 4459  
taken or caught without procuring the license required under 4460  
section 1533.32 of the Revised Code, provided that only one line 4461  
is used by both persons. 4462

(5) As used in division (B)(5) of this section, "prisoner of 4463  
war" means any regularly appointed, enrolled, enlisted, or 4464  
inducted member of the military forces of the United States who 4465  
was captured, separated, and incarcerated by an enemy of the 4466  
United States. 4467

Any person who has been a prisoner of war, was honorably 4468  
discharged from the military forces, and is a resident of this 4469  
state shall be issued a fishing license, hunting license, fur 4470  
taker permit, or wetlands habitat stamp, or any combination of 4471  
those licenses, permits, and stamp, free of charge on an annual, 4472  
multi-year, or lifetime basis as determined appropriate by the 4473  
chief when application is made to the chief in the manner 4474  
prescribed by and on forms provided by the chief. 4475

(C) The chief shall adopt rules pursuant to section 1531.08 4476  
of the Revised Code designating not more than two days, which need 4477  
not be consecutive, in each year as "free sport fishing days" on 4478  
which any resident may exercise the privileges accorded the holder 4479  
of a fishing license issued under section 1533.32 of the Revised 4480  
Code without procuring such a license, provided that the person is 4481  
not otherwise violating any of the fishing laws of this state. 4482



Sec. 1711.50. As used in sections 1711.50 to 1711.57 of the Revised Code:

(A) "Amusement ride" means any mechanical, aquatic, or inflatable device, or combination of those devices that carries or conveys passengers on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of providing amusement, pleasure, or excitement. "Amusement ride" includes carnival rides, bungee jumping facilities, and fair rides, but does not include passenger tramways as defined in section 4169.01 of the Revised Code or amusement rides operated solely at trade shows for a limited period of time. For purposes of this division ~~(A) of this section~~, "trade show" means a place of exhibition not open to the general public where amusement ride manufacturers display, promote, operate, and sell amusement rides to prospective purchasers.

(B) "Temporary amusement ride" means an amusement ride that is relocated at least once per year with or without disassembly.

(C) "Permanent amusement ride" means an amusement ride that is erected to remain a lasting part of the premises.

(D) "Owner" means any person who owns or leases and controls or manages the operation of an amusement ride, and includes individuals, partnerships, corporations, both profit and nonprofit, and the state and any of its political subdivisions and their departments or agencies.

(E) "Operation" means the use or operation, or both, of an amusement ride with riders.

(F) "Rider" means any person who sits, stands, or is otherwise conveyed or carried as a passenger on an amusement ride, but does not include employees or agents of the owner of the amusement ride.

(G) "Amusement ride operator" means any person causing the amusement ride to go, stop, or perform its function.

(H) "Reassembly" means the installation, erection, or reconstruction of the main mechanical, safety, electrical, or electronic components of an amusement ride following transportation or storage and prior to operation. Replacement of mechanical, safety, electrical, or electronic components of an amusement ride for the purpose of repair or maintenance is not reassembly.

(I) "Repair" means to restore an amusement ride to a condition equal to or better than original design specifications.

(J) "Maintenance" means the preservation and upkeep of an amusement ride for the purpose of maintaining its designed operational capability.

(K) "Inspection" means a physical examination of an amusement ride by an inspector for the purpose of approving the application for a permit. "Inspection" includes a reinspection.

(L) "Accident" means an occurrence during the operation of an amusement ride ~~which~~ that results in death or injury requiring immediate hospital admission.

(M) "Serious injury" means an injury that does not require immediate hospital admission but does require medical treatment, other than first aid, by a physician.

(N) "First aid" means the one-time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, and contusions or a diagnostic procedure, including examinations and x-rays, ~~which~~ that does not ordinarily require medical treatment even though provided by a physician or other licensed professional personnel.

(O) "Advisory council" means the advisory council on

amusement ride safety created by section 1711.51 of the Revised Code. 4543  
4544

(P) "Safe operation" means, except as provided in section 4545  
1711.57 of the Revised Code, the practical application of 4546  
maintenance, inspection, and operational processes, as indicated 4547  
by the manufacturer, owner, or advisory council, that secures a 4548  
rider from threat of physical danger, harm, or loss. 4549

(Q) "Private facility" means any facility that is accessible 4550  
only to members of the facility and not accessible to the general 4551  
public, even upon payment of a fee or charge, and that requires 4552  
approval for membership by a membership committee representing the 4553  
current members who have a policy requiring monetary payment to 4554  
belong to the facility. 4555

(R) "Bungee jumping" means a fall or jump from a height by an 4556  
individual who is attached to an elastic cord that prevents the 4557  
individual from hitting the ground, water, or other solid, 4558  
semi-solid, liquid, or elastic surface. 4559

(S) "Bungee jumping facility" means a device or structure 4560  
utilized for bungee jumping. 4561

(T) "Kiddie ride" means an amusement ride designed for use by 4562  
children under thirteen years of age who are unaccompanied by 4563  
another person. "Kiddie ride" includes a roller coaster that is 4564  
not more than forty feet in elevation at any point on the ride. 4565

**Sec. 1711.53.** (A)(1) No person shall operate an amusement 4566  
ride within the state without a permit issued by the director of 4567  
agriculture under division (A)(2) of this section. The owner of an 4568  
amusement ride, whether the ride is a temporary amusement ride or 4569  
a permanent amusement ride, who desires to operate the amusement 4570  
ride within the state shall, prior to the operation of the 4571  
amusement ride and annually thereafter, submit to the department 4572

of agriculture an application for a permit, together with the 4573  
appropriate permit and inspection fee, on a form to be furnished 4574  
by the department. Prior to issuing any permit the department 4575  
shall, within thirty days after the date on which it receives the 4576  
application, inspect each amusement ride described in the 4577  
application. The owner of an amusement ride shall have the 4578  
amusement ride ready for inspection not later than two hours after 4579  
the time that is requested by the person for the inspection. 4580

(2) For each amusement ride found to comply with the rules 4581  
adopted by the director under division (B) of this section and 4582  
division (B) of section 1711.551 of the Revised Code, the director 4583  
shall issue an annual permit, provided that evidence of liability 4584  
insurance coverage for the amusement ride as required by section 4585  
1711.54 of the Revised Code is on file with the department. 4586

(3) The director shall issue with each permit a decal 4587  
indicating that the amusement ride has been issued the permit. The 4588  
owner of the amusement ride shall affix the decal on the ride at a 4589  
location where the decal is easily visible to the patrons of the 4590  
ride. A copy of the permit shall be kept on file at the same 4591  
address as the location of the amusement ride identified on the 4592  
permit, and shall be made available for inspection, upon 4593  
reasonable demand, by any person. An owner may operate an 4594  
amusement ride prior to obtaining a permit, provided that the 4595  
operation is for the purpose of testing the amusement ride or 4596  
training amusement ride operators and other employees of the owner 4597  
and the amusement ride is not open to the public. 4598

(B) The director, in accordance with Chapter 119. of the 4599  
Revised Code, shall adopt rules providing for a schedule of fines, 4600  
with no fine exceeding five thousand dollars, for violations of 4601  
sections 1711.50 to 1711.57 of the Revised Code or any rules 4602  
adopted under this division and for the classification of 4603  
amusement rides and rules for the safe operation and inspection of 4604

all amusement rides as are necessary for amusement ride safety and 4605  
for the protection of the general public. Rules adopted by the 4606  
director for the safe operation and inspection of amusement rides 4607  
shall be reasonable and based upon generally accepted engineering 4608  
standards and practices. In adopting rules under this section, the 4609  
director may adopt by reference, in whole or in part, the national 4610  
fire code or the national electrical code (NEC) prepared by the 4611  
national fire protection association, the standards of the 4612  
American society for testing and materials (ASTM) or the American 4613  
national standards institute (ANSI), or any other principles, 4614  
tests, or standards of nationally recognized technical or 4615  
scientific authorities. Insofar as is practicable and consistent 4616  
with sections 1711.50 to 1711.57 of the Revised Code, rules 4617  
adopted under this division shall be consistent with the rules of 4618  
other states. The department shall cause sections 1711.50 to 4619  
1711.57 of the Revised Code and the rules adopted in accordance 4620  
with this division and division (B) of section 1711.551 of the 4621  
Revised Code to be published in pamphlet form and a copy to be 4622  
furnished without charge to each owner of an amusement ride who 4623  
holds a current permit or is an applicant therefor. 4624

(C) With respect to an application for a permit for an 4625  
amusement ride, an owner may apply to the director for a waiver or 4626  
modification of any rule adopted under division (B) of this 4627  
section if there are practical difficulties or unnecessary 4628  
hardships for the amusement ride to comply with the rules. Any 4629  
application shall set forth the reasons for the request. The 4630  
director, with the approval of the advisory council on amusement 4631  
ride safety, may waive or modify the application of a rule to any 4632  
amusement ride if the public safety is secure. Any authorization 4633  
by the director under this division shall be in writing and shall 4634  
set forth the conditions under which the waiver or modification is 4635  
authorized, and the department shall retain separate records of 4636  
all proceedings under this division. 4637

(D)(1) The director shall employ and provide for training of 4638  
a chief inspector and additional inspectors and employees as may 4639  
be necessary to administer and enforce sections 1711.50 to 1711.57 4640  
of the Revised Code. The director may appoint or contract with 4641  
other persons to perform inspections of amusement rides, provided 4642  
that the persons meet the qualifications for inspectors 4643  
established by rules adopted under division (B) of this section 4644  
and are not owners, or employees of owners, of any amusement ride 4645  
subject to inspection under sections 1711.50 to 1711.57 of the 4646  
Revised Code. No person shall inspect an amusement ride who, 4647  
within six months prior to the date of inspection, was an employee 4648  
of the owner of the ride. 4649

(2) Before the director contracts with other persons to 4650  
inspect amusement rides, the director shall seek the advice of the 4651  
advisory council on amusement ride safety on whether to contract 4652  
with those persons. The advice shall not be binding upon the 4653  
director. After having received the advice of the council, the 4654  
director may proceed to contract with inspectors in accordance 4655  
with the procedures specified in division (E)(2) of section 4656  
1711.11 of the Revised Code. 4657

(3) With the advice and consent of the advisory council on 4658  
amusement ride safety, the director may employ a special 4659  
consultant to conduct an independent investigation of an amusement 4660  
ride accident. This consultant need not be in the civil service of 4661  
the state, but shall have qualifications to conduct the 4662  
investigation acceptable to the council. 4663

(E)(1) Except as otherwise provided in division (E)(1) of 4664  
this section, the department shall charge the following amusement 4665  
ride fees: 4666

Permit	\$	150	4667
Annual inspection and reinspection per ride:			4668
Kiddie rides	\$	100	4669

Roller coaster	\$	<del>950</del>	4670
		<u>1,200</u>	
Aerial lifts or bungee jumping facilities	\$	450	4671
Go karts, <u>per kart</u>	\$	5	4672
<u>Inflatable rides, kiddie and adult</u>	\$	<u>105</u>	4673
Other rides	\$	160	4674
Midseason operational inspection per ride	\$	25	4675
Expedited inspection per ride	\$	100	4676
Failure to cancel scheduled inspection per ride	\$	100	4677
Failure to have amusement ride ready for inspection			4678
per ride	\$	100	4679

The go kart inspection fee is in addition to the inspection fee for the go kart track. 4680  
4681

The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts. 4682  
4683  
4684

As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section. 4685  
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4687  
4688  
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(2) All fees and fines collected by the department under sections 1711.50 to 1711.57 of the Revised Code shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing sections 1711.11 and 1711.50 to 1711.57 of the Revised Code. 4690  
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(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is required by division (F) 4696  
4697  
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4699  
4700

of section 1711.55 of the Revised Code. If a reinspection is 4701  
conducted at the request of the chief officer of a fair, festival, 4702  
or event where the ride is operating, the reinspection fee shall 4703  
be charged to the fair, festival, or event. 4704

(4) The rules adopted under division (B) of this section 4705  
shall define ~~"kiddie rides,"~~ "roller coaster," "aerial lifts," "go 4706  
karts," and "other rides" for purposes of determining the fees 4707  
under division (E) of this section. The rules shall define "other 4708  
rides" to include go kart tracks. 4709

(F) A reinspection of an amusement ride shall take place if 4710  
an accident occurs, if the owner of the ride or the chief officer 4711  
of the fair, festival, or event where the ride is operating 4712  
requests a reinspection, or if the reinspection is required by 4713  
division (F) of section 1711.55 of the Revised Code. 4714

(G) As a supplement to its annual inspection of a temporary 4715  
amusement ride, the department may inspect the ride during each 4716  
scheduled event, as listed in the schedule of events provided to 4717  
the department by the owner pursuant to division (C) of section 4718  
1711.55 of the Revised Code, at which the ride is operated in this 4719  
state. These supplemental inspections are in addition to any other 4720  
inspection or reinspection of the ride as may be required under 4721  
sections 1711.50 to 1711.57 of the Revised Code, and the owner of 4722  
the temporary amusement ride is not required to pay an inspection 4723  
or reinspection fee for this supplemental inspection. Nothing in 4724  
this division shall be construed to prohibit the owner of a 4725  
temporary amusement ride having a valid permit to operate in this 4726  
state from operating the ride at a scheduled event before the 4727  
department conducts a supplemental inspection. 4728

(H) The department may annually conduct a midseason 4729  
operational inspection of every amusement ride upon which it 4730  
conducts an annual inspection pursuant to division (A) of this 4731  
section. The midseason operational inspection is in addition to 4732



any other inspection or reinspection of the amusement ride as may 4733  
be required pursuant to sections 1711.50 to 1711.57 of the Revised 4734  
Code. The owner of an amusement ride shall submit to the 4735  
department, at the time determined by the department, the 4736  
midseason operational inspection fee specified in division (E) of 4737  
this section. The director, in accordance with Chapter 119. of the 4738  
Revised Code, shall adopt rules specifying the time period during 4739  
which the department will conduct midseason operational 4740  
inspections. 4741

**Sec. 2151.417.** (A) Any court that issues a dispositional 4742  
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 4743  
Revised Code may review at any time the child's placement or 4744  
custody arrangement, the case plan prepared for the child pursuant 4745  
to section 2151.412 of the Revised Code, the actions of the public 4746  
children services agency or private child placing agency in 4747  
implementing that case plan, the child's permanency plan if the 4748  
child's permanency plan has been approved, and any other aspects 4749  
of the child's placement or custody arrangement. In conducting the 4750  
review, the court shall determine the appropriateness of any 4751  
agency actions, the safety and appropriateness of continuing the 4752  
child's placement or custody arrangement, and whether any changes 4753  
should be made with respect to the child's permanency plan or 4754  
placement or custody arrangement or with respect to the actions of 4755  
the agency under the child's placement or custody arrangement. 4756  
Based upon the evidence presented at a hearing held after notice 4757  
to all parties and the guardian ad litem of the child, the court 4758  
may require the agency, the parents, guardian, or custodian of the 4759  
child, and the physical custodians of the child to take any 4760  
reasonable action that the court determines is necessary and in 4761  
the best interest of the child or to discontinue any action that 4762  
it determines is not in the best interest of the child. 4763

(B) If a court issues a dispositional order pursuant to 4764

section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 4765  
court has continuing jurisdiction over the child as set forth in 4766  
division (E)(1) of section 2151.353 of the Revised Code. The court 4767  
may amend a dispositional order in accordance with division (E)(2) 4768  
of section 2151.353 of the Revised Code at any time upon its own 4769  
motion or upon the motion of any interested party. The court shall 4770  
comply with section 2151.42 of the Revised Code in amending any 4771  
dispositional order pursuant to this division. 4772

(C) Any court that issues a dispositional order pursuant to 4773  
section 2151.353, 2151.414, or 2151.415 of the Revised Code shall 4774  
hold a review hearing one year after the earlier of the date on 4775  
which the complaint in the case was filed or the child was first 4776  
placed into shelter care to review the case plan prepared pursuant 4777  
to section 2151.412 of the Revised Code and the child's placement 4778  
or custody arrangement, to approve or review the permanency plan 4779  
for the child, and to make changes to the case plan and placement 4780  
or custody arrangement consistent with the permanency plan. The 4781  
court shall schedule the review hearing at the time that it holds 4782  
the dispositional hearing pursuant to section 2151.35 of the 4783  
Revised Code. 4784

The court shall hold a similar review hearing no later than 4785  
every twelve months after the initial review hearing until the 4786  
child is adopted, returned to the parents, or the court otherwise 4787  
terminates the child's placement or custody arrangement, except 4788  
that the dispositional hearing held pursuant to section 2151.415 4789  
of the Revised Code shall take the place of the first review 4790  
hearing to be held under this section. The court shall schedule 4791  
each subsequent review hearing at the conclusion of the review 4792  
hearing immediately preceding the review hearing to be scheduled. 4793

(D) If, within fourteen days after a written summary of an 4794  
administrative review is filed with the court pursuant to section 4795  
2151.416 of the Revised Code, the court does not approve the 4796

proposed change to the case plan filed pursuant to division (E) of 4797  
section 2151.416 of the Revised Code or a party or the guardian ad 4798  
litem requests a review hearing pursuant to division (E) of that 4799  
section, the court shall hold a review hearing in the same manner 4800  
that it holds review hearings pursuant to division (C) of this 4801  
section, except that if a review hearing is required by this 4802  
division and if a hearing is to be held pursuant to division (C) 4803  
of this section or section 2151.415 of the Revised Code, the 4804  
hearing held pursuant to division (C) of this section or section 4805  
2151.415 of the Revised Code shall take the place of the review 4806  
hearing required by this division. 4807

(E) If a court determines pursuant to section 2151.419 of the 4808  
Revised Code that a public children services agency or private 4809  
child placing agency is not required to make reasonable efforts to 4810  
prevent the removal of a child from the child's home, eliminate 4811  
the continued removal of a child from the child's home, and return 4812  
the child to the child's home, and the court does not return the 4813  
child to the child's home pursuant to division (A)(3) of section 4814  
2151.419 of the Revised Code, the court shall hold a review 4815  
hearing to approve the permanency plan for the child and, if 4816  
appropriate, to make changes to the child's case plan and the 4817  
child's placement or custody arrangement consistent with the 4818  
permanency plan. The court may hold the hearing immediately 4819  
following the determination under section 2151.419 of the Revised 4820  
Code and shall hold it no later than thirty days after making that 4821  
determination. 4822

(F) The court shall give notice of the review hearings held 4823  
pursuant to this section to every interested party, including, but 4824  
not limited to, the appropriate agency employees who are 4825  
responsible for the child's care and planning, the child's 4826  
parents, any person who had guardianship or legal custody of the 4827  
child prior to the custody order, the child's guardian ad litem, 4828

and the child. The court shall summon every interested party to 4829  
appear at the review hearing and give them an opportunity to 4830  
testify and to present other evidence with respect to the child's 4831  
custody arrangement, including, but not limited to, the following: 4832  
the case plan for the child; the permanency plan, if one exists; 4833  
the actions taken by the child's custodian; the need for a change 4834  
in the child's custodian or caseworker; and the need for any 4835  
specific action to be taken with respect to the child. The court 4836  
shall require any interested party to testify or present other 4837  
evidence when necessary to a proper determination of the issues 4838  
presented at the review hearing. In any review hearing that 4839  
pertains to a permanency plan for a child who will not be returned 4840  
to the parent, the court shall consider in-state and out-of-state 4841  
placement options and the court shall determine whether the 4842  
in-state or the out-of-state placement continues to be appropriate 4843  
and in the best interests of the child. In any review hearing that 4844  
pertains to a permanency plan for a child, the court or a citizens 4845  
board appointed by the court pursuant to division (H) of this 4846  
section shall consult with the child, in an age-appropriate 4847  
manner, regarding the proposed permanency plan for the child. 4848

(G) After the review hearing, the court shall take the 4849  
following actions based upon the evidence presented: 4850

(1) If an administrative review has been conducted, determine 4851  
whether the conclusions of the review are supported by a 4852  
preponderance of the evidence and approve or modify the case plan 4853  
based upon that evidence; 4854

(2) If the hearing was held under division (C) or (E) of this 4855  
section, approve a permanency plan for the child that specifies 4856  
whether and, if applicable, when the child will be safely returned 4857  
home or placed for adoption, for legal custody, or in a planned 4858  
permanent living arrangement. A permanency plan approved after a 4859  
hearing under division (E) of this section shall not include any 4860

provision requiring the child to be returned to the child's home. 4861

(3) If the child is in temporary custody, do all of the 4862  
following: 4863

(a) Determine whether the child can and should be returned 4864  
home with or without an order for protective supervision; 4865

(b) If the child can and should be returned home with or 4866  
without an order for protective supervision, terminate the order 4867  
for temporary custody; 4868

(c) If the child cannot or should not be returned home with 4869  
an order for protective supervision, determine whether the agency 4870  
currently with custody of the child should retain custody or 4871  
whether another public children services agency, private child 4872  
placing agency, or an individual should be given custody of the 4873  
child. 4874

The court shall comply with section 2151.42 of the Revised 4875  
Code in taking any action under this division. 4876

(4) If the child is in permanent custody, determine what 4877  
actions are required by the custodial agency and of any other 4878  
organizations or persons in order to facilitate an adoption of the 4879  
child and make any appropriate orders with respect to the custody 4880  
arrangement or conditions of the child, including, but not limited 4881  
to, a transfer of permanent custody to another public children 4882  
services agency or private child placing agency; 4883

(5) Journalize the terms of the updated case plan for the 4884  
child. 4885

(H) The court may appoint a referee or a citizens review 4886  
board to conduct the review hearings that the court is required by 4887  
this section to conduct, subject to the review and approval by the 4888  
court of any determinations made by the referee or citizens review 4889  
board. If the court appoints a citizens review board to conduct 4890

the review hearings, the board shall consist of one member 4891  
representing the general public and four members who are trained 4892  
or experienced in the care or placement of children and have 4893  
training or experience in the fields of medicine, psychology, 4894  
social work, education, or any related field. Of the initial 4895  
appointments to the board, two shall be for a term of one year, 4896  
two shall be for a term of two years, and one shall be for a term 4897  
of three years, with all the terms ending one year after the date 4898  
on which the appointment was made. Thereafter, all terms of the 4899  
board members shall be for three years and shall end on the same 4900  
day of the same month of the year as did the term that they 4901  
succeed. Any member appointed to fill a vacancy occurring prior to 4902  
the expiration of the term for which the member's predecessor was 4903  
appointed shall hold office for the remainder of the term. 4904

(I) A copy of the court's determination following any review 4905  
hearing held pursuant to this section shall be sent to the 4906  
custodial agency, the guardian ad litem of the child who is the 4907  
subject of the review hearing, and, if that child is not the 4908  
subject of a permanent commitment hearing, the parents of the 4909  
child. 4910

(J) If the hearing held under this section takes the place of 4911  
an administrative review that otherwise would have been held under 4912  
section 2151.416 of the Revised Code, the court at the hearing 4913  
held under this section shall do all of the following in addition 4914  
to any other requirements of this section: 4915

(1) Determine the continued necessity for and the safety and 4916  
appropriateness of the child's placement; 4917

(2) Determine the extent of compliance with the child's case 4918  
plan; 4919

(3) Determine the extent of progress that has been made 4920  
toward alleviating or mitigating the causes necessitating the 4921

child's placement in foster care; 4922

(4) Project a likely date by which the child may be safely 4923  
returned home or placed for adoption or legal custody. 4924

(K)(1) Whenever the court is required to approve a permanency 4925  
plan under this section or section 2151.415 of the Revised Code, 4926  
the public children services agency or private child placing 4927  
agency that filed the complaint in the case, has custody of the 4928  
child, or will be given custody of the child shall develop a 4929  
permanency plan for the child. The agency must file the plan with 4930  
the court prior to the hearing under this section or section 4931  
2151.415 of the Revised Code. 4932

(2) The permanency plan developed by the agency must specify 4933  
whether and, if applicable, when the child will be safely returned 4934  
home or placed for adoption or legal custody. If the agency 4935  
determines that there is a compelling reason why returning the 4936  
child home or placing the child for adoption or legal custody is 4937  
not in the best interest of the child, the plan shall provide that 4938  
the child will be placed in a planned permanent living 4939  
arrangement. A permanency plan developed as a result of a 4940  
determination made under division (A)(2) of section 2151.419 of 4941  
the Revised Code may not include any provision requiring the child 4942  
to be returned home. 4943

(3)(a) Whenever a court is required under this section or 4944  
section 2151.415 or 2151.419 of the Revised Code to conduct a 4945  
review hearing to approve a permanency plan, the court shall 4946  
determine whether the agency required to develop the plan has made 4947  
reasonable efforts to finalize it. If the court determines the 4948  
agency has not made reasonable efforts to finalize the plan, the 4949  
court shall issue an order finalizing a permanency plan requiring 4950  
the agency to use reasonable efforts to do the following: 4951

(i) Place the child in a timely manner into a permanent 4952

placement; 4953

(ii) Complete whatever steps are necessary to finalize the 4954  
permanent placement of the child. 4955

(b) In making reasonable efforts as required in division 4956  
(K)(3)(a) of this section, the agency shall consider the child's 4957  
health and safety as the paramount concern. 4958

**Sec. 2151.421.** (A)(1)(a) No person described in division 4959  
(A)(1)(b) of this section who is acting in an official or 4960  
professional capacity and knows, or has reasonable cause to 4961  
suspect based on facts that would cause a reasonable person in a 4962  
similar position to suspect, that a child under eighteen years of 4963  
age or a mentally retarded, developmentally disabled, or 4964  
physically impaired child under twenty-one years of age has 4965  
suffered or faces a threat of suffering any physical or mental 4966  
wound, injury, disability, or condition of a nature that 4967  
reasonably indicates abuse or neglect of the child shall fail to 4968  
immediately report that knowledge or reasonable cause to suspect 4969  
to the entity or persons specified in this division. Except as 4970  
provided in section 5120.173 of the Revised Code, the person 4971  
making the report shall make it to the public children services 4972  
agency or a municipal or county peace officer in the county in 4973  
which the child resides or in which the abuse or neglect is 4974  
occurring or has occurred. In the circumstances described in 4975  
section 5120.173 of the Revised Code, the person making the report 4976  
shall make it to the entity specified in that section. 4977

(b) Division (A)(1)(a) of this section applies to any person 4978  
who is an attorney; physician, including a hospital intern or 4979  
resident; dentist; podiatrist; practitioner of a limited branch of 4980  
medicine as specified in section 4731.15 of the Revised Code; 4981  
registered nurse; licensed practical nurse; visiting nurse; other 4982  
health care professional; licensed psychologist; licensed school 4983



psychologist; independent marriage and family therapist or 4984  
marriage and family therapist; speech pathologist or audiologist; 4985  
coroner; administrator or employee of a child day-care center; 4986  
administrator or employee of a residential camp or child day camp; 4987  
administrator or employee of a certified child care agency or 4988  
other public or private children services agency; school teacher; 4989  
school employee; school authority; person engaged in social work 4990  
or the practice of professional counseling; agent of a county 4991  
humane society; person, other than a cleric, rendering spiritual 4992  
treatment through prayer in accordance with the tenets of a 4993  
well-recognized religion; employee of a county department of job 4994  
and family services who is a professional and who works with 4995  
children and families; superintendent or regional administrator 4996  
employed by the department of youth services; superintendent, 4997  
board member, or employee of a county board of developmental 4998  
disabilities; investigative agent contracted with by a county 4999  
board of developmental disabilities; employee of the department of 5000  
developmental disabilities; employee of a facility or home that 5001  
provides respite care in accordance with section 5123.171 of the 5002  
Revised Code; employee of a home health agency; employee of an 5003  
entity that provides homemaker services; a person performing the 5004  
duties of an assessor pursuant to Chapter 3107. or 5103. of the 5005  
Revised Code; or third party employed by a public children 5006  
services agency to assist in providing child or family related 5007  
services. 5008

(2) Except as provided in division (A)(3) of this section, an 5009  
attorney or a physician is not required to make a report pursuant 5010  
to division (A)(1) of this section concerning any communication 5011  
the attorney or physician receives from a client or patient in an 5012  
attorney-client or physician-patient relationship, if, in 5013  
accordance with division (A) or (B) of section 2317.02 of the 5014  
Revised Code, the attorney or physician could not testify with 5015  
respect to that communication in a civil or criminal proceeding. 5016

(3) The client or patient in an attorney-client or 5017  
physician-patient relationship described in division (A)(2) of 5018  
this section is deemed to have waived any testimonial privilege 5019  
under division (A) or (B) of section 2317.02 of the Revised Code 5020  
with respect to any communication the attorney or physician 5021  
receives from the client or patient in that attorney-client or 5022  
physician-patient relationship, and the attorney or physician 5023  
shall make a report pursuant to division (A)(1) of this section 5024  
with respect to that communication, if all of the following apply: 5025

(a) The client or patient, at the time of the communication, 5026  
is either a child under eighteen years of age or a mentally 5027  
retarded, developmentally disabled, or physically impaired person 5028  
under twenty-one years of age. 5029

(b) The attorney or physician knows, or has reasonable cause 5030  
to suspect based on facts that would cause a reasonable person in 5031  
similar position to suspect, as a result of the communication or 5032  
any observations made during that communication, that the client 5033  
or patient has suffered or faces a threat of suffering any 5034  
physical or mental wound, injury, disability, or condition of a 5035  
nature that reasonably indicates abuse or neglect of the client or 5036  
patient. 5037

(c) The abuse or neglect does not arise out of the client's 5038  
or patient's attempt to have an abortion without the notification 5039  
of her parents, guardian, or custodian in accordance with section 5040  
2151.85 of the Revised Code. 5041

(4)(a) No cleric and no person, other than a volunteer, 5042  
designated by any church, religious society, or faith acting as a 5043  
leader, official, or delegate on behalf of the church, religious 5044  
society, or faith who is acting in an official or professional 5045  
capacity, who knows, or has reasonable cause to believe based on 5046  
facts that would cause a reasonable person in a similar position 5047  
to believe, that a child under eighteen years of age or a mentally 5048

retarded, developmentally disabled, or physically impaired child 5049  
under twenty-one years of age has suffered or faces a threat of 5050  
suffering any physical or mental wound, injury, disability, or 5051  
condition of a nature that reasonably indicates abuse or neglect 5052  
of the child, and who knows, or has reasonable cause to believe 5053  
based on facts that would cause a reasonable person in a similar 5054  
position to believe, that another cleric or another person, other 5055  
than a volunteer, designated by a church, religious society, or 5056  
faith acting as a leader, official, or delegate on behalf of the 5057  
church, religious society, or faith caused, or poses the threat of 5058  
causing, the wound, injury, disability, or condition that 5059  
reasonably indicates abuse or neglect shall fail to immediately 5060  
report that knowledge or reasonable cause to believe to the entity 5061  
or persons specified in this division. Except as provided in 5062  
section 5120.173 of the Revised Code, the person making the report 5063  
shall make it to the public children services agency or a 5064  
municipal or county peace officer in the county in which the child 5065  
resides or in which the abuse or neglect is occurring or has 5066  
occurred. In the circumstances described in section 5120.173 of 5067  
the Revised Code, the person making the report shall make it to 5068  
the entity specified in that section. 5069

(b) Except as provided in division (A)(4)(c) of this section, 5070  
a cleric is not required to make a report pursuant to division 5071  
(A)(4)(a) of this section concerning any communication the cleric 5072  
receives from a penitent in a cleric-penitent relationship, if, in 5073  
accordance with division (C) of section 2317.02 of the Revised 5074  
Code, the cleric could not testify with respect to that 5075  
communication in a civil or criminal proceeding. 5076

(c) The penitent in a cleric-penitent relationship described 5077  
in division (A)(4)(b) of this section is deemed to have waived any 5078  
testimonial privilege under division (C) of section 2317.02 of the 5079  
Revised Code with respect to any communication the cleric receives 5080

from the penitent in that cleric-penitent relationship, and the 5081  
cleric shall make a report pursuant to division (A)(4)(a) of this 5082  
section with respect to that communication, if all of the 5083  
following apply: 5084

(i) The penitent, at the time of the communication, is either 5085  
a child under eighteen years of age or a mentally retarded, 5086  
developmentally disabled, or physically impaired person under 5087  
twenty-one years of age. 5088

(ii) The cleric knows, or has reasonable cause to believe 5089  
based on facts that would cause a reasonable person in a similar 5090  
position to believe, as a result of the communication or any 5091  
observations made during that communication, the penitent has 5092  
suffered or faces a threat of suffering any physical or mental 5093  
wound, injury, disability, or condition of a nature that 5094  
reasonably indicates abuse or neglect of the penitent. 5095

(iii) The abuse or neglect does not arise out of the 5096  
penitent's attempt to have an abortion performed upon a child 5097  
under eighteen years of age or upon a mentally retarded, 5098  
developmentally disabled, or physically impaired person under 5099  
twenty-one years of age without the notification of her parents, 5100  
guardian, or custodian in accordance with section 2151.85 of the 5101  
Revised Code. 5102

(d) Divisions (A)(4)(a) and (c) of this section do not apply 5103  
in a cleric-penitent relationship when the disclosure of any 5104  
communication the cleric receives from the penitent is in 5105  
violation of the sacred trust. 5106

(e) As used in divisions (A)(1) and (4) of this section, 5107  
"cleric" and "sacred trust" have the same meanings as in section 5108  
2317.02 of the Revised Code. 5109

(B) Anyone who knows, or has reasonable cause to suspect 5110  
based on facts that would cause a reasonable person in similar 5111

circumstances to suspect, that a child under eighteen years of age 5112  
or a mentally retarded, developmentally disabled, or physically 5113  
impaired person under twenty-one years of age has suffered or 5114  
faces a threat of suffering any physical or mental wound, injury, 5115  
disability, or other condition of a nature that reasonably 5116  
indicates abuse or neglect of the child may report or cause 5117  
reports to be made of that knowledge or reasonable cause to 5118  
suspect to the entity or persons specified in this division. 5119  
Except as provided in section 5120.173 of the Revised Code, a 5120  
person making a report or causing a report to be made under this 5121  
division shall make it or cause it to be made to the public 5122  
children services agency or to a municipal or county peace 5123  
officer. In the circumstances described in section 5120.173 of the 5124  
Revised Code, a person making a report or causing a report to be 5125  
made under this division shall make it or cause it to be made to 5126  
the entity specified in that section. 5127

(C) Any report made pursuant to division (A) or (B) of this 5128  
section shall be made forthwith either by telephone or in person 5129  
and shall be followed by a written report, if requested by the 5130  
receiving agency or officer. The written report shall contain: 5131

(1) The names and addresses of the child and the child's 5132  
parents or the person or persons having custody of the child, if 5133  
known; 5134

(2) The child's age and the nature and extent of the child's 5135  
injuries, abuse, or neglect that is known or reasonably suspected 5136  
or believed, as applicable, to have occurred or of the threat of 5137  
injury, abuse, or neglect that is known or reasonably suspected or 5138  
believed, as applicable, to exist, including any evidence of 5139  
previous injuries, abuse, or neglect; 5140

(3) Any other information that might be helpful in 5141  
establishing the cause of the injury, abuse, or neglect that is 5142  
known or reasonably suspected or believed, as applicable, to have 5143

occurred or of the threat of injury, abuse, or neglect that is 5144  
known or reasonably suspected or believed, as applicable, to 5145  
exist. 5146

Any person, who is required by division (A) of this section 5147  
to report child abuse or child neglect that is known or reasonably 5148  
suspected or believed to have occurred, may take or cause to be 5149  
taken color photographs of areas of trauma visible on a child and, 5150  
if medically indicated, cause to be performed radiological 5151  
examinations of the child. 5152

(D) As used in this division, "children's advocacy center" 5153  
and "sexual abuse of a child" have the same meanings as in section 5154  
2151.425 of the Revised Code. 5155

(1) When a municipal or county peace officer receives a 5156  
report concerning the possible abuse or neglect of a child or the 5157  
possible threat of abuse or neglect of a child, upon receipt of 5158  
the report, the municipal or county peace officer who receives the 5159  
report shall refer the report to the appropriate public children 5160  
services agency. 5161

(2) When a public children services agency receives a report 5162  
pursuant to this division or division (A) or (B) of this section, 5163  
upon receipt of the report, the public children services agency 5164  
shall do both of the following: 5165

(a) Comply with section 2151.422 of the Revised Code; 5166

(b) If the county served by the agency is also served by a 5167  
children's advocacy center and the report alleges sexual abuse of 5168  
a child or another type of abuse of a child that is specified in 5169  
the memorandum of understanding that creates the center as being 5170  
within the center's jurisdiction, comply regarding the report with 5171  
the protocol and procedures for referrals and investigations, with 5172  
the coordinating activities, and with the authority or 5173  
responsibility for performing or providing functions, activities, 5174

and services stipulated in the interagency agreement entered into 5175  
under section 2151.428 of the Revised Code relative to that 5176  
center. 5177

(E) No township, municipal, or county peace officer shall 5178  
remove a child about whom a report is made pursuant to this 5179  
section from the child's parents, stepparents, or guardian or any 5180  
other persons having custody of the child without consultation 5181  
with the public children services agency, unless, in the judgment 5182  
of the officer, and, if the report was made by physician, the 5183  
physician, immediate removal is considered essential to protect 5184  
the child from further abuse or neglect. The agency that must be 5185  
consulted shall be the agency conducting the investigation of the 5186  
report as determined pursuant to section 2151.422 of the Revised 5187  
Code. 5188

(F)(1) Except as provided in section 2151.422 of the Revised 5189  
Code or in an interagency agreement entered into under section 5190  
2151.428 of the Revised Code that applies to the particular 5191  
report, the public children services agency shall investigate, 5192  
within twenty-four hours, each report of child abuse or child 5193  
neglect that is known or reasonably suspected or believed to have 5194  
occurred and of a threat of child abuse or child neglect that is 5195  
known or reasonably suspected or believed to exist that is 5196  
referred to it under this section to determine the circumstances 5197  
surrounding the injuries, abuse, or neglect or the threat of 5198  
injury, abuse, or neglect, the cause of the injuries, abuse, 5199  
neglect, or threat, and the person or persons responsible. The 5200  
investigation shall be made in cooperation with the law 5201  
enforcement agency and in accordance with the memorandum of 5202  
understanding prepared under division (J) of this section. A 5203  
representative of the public children services agency shall, at 5204  
the time of initial contact with the person subject to the 5205  
investigation, inform the person of the specific complaints or 5206

allegations made against the person. The information shall be 5207  
given in a manner that is consistent with division (H)(1) of this 5208  
section and protects the rights of the person making the report 5209  
under this section. 5210

A failure to make the investigation in accordance with the 5211  
memorandum is not grounds for, and shall not result in, the 5212  
dismissal of any charges or complaint arising from the report or 5213  
the suppression of any evidence obtained as a result of the report 5214  
and does not give, and shall not be construed as giving, any 5215  
rights or any grounds for appeal or post-conviction relief to any 5216  
person. The public children services agency shall report each case 5217  
to the uniform statewide automated child welfare information 5218  
system that the department of job and family services shall 5219  
maintain in accordance with section 5101.13 of the Revised Code. 5220  
The public children services agency shall submit a report of its 5221  
investigation, in writing, to the law enforcement agency. 5222

(2) The public children services agency shall make any 5223  
recommendations to the county prosecuting attorney or city 5224  
director of law that it considers necessary to protect any 5225  
children that are brought to its attention. 5226

(G)(1)(a) Except as provided in division (H)(3) of this 5227  
section, anyone or any hospital, institution, school, health 5228  
department, or agency participating in the making of reports under 5229  
division (A) of this section, anyone or any hospital, institution, 5230  
school, health department, or agency participating in good faith 5231  
in the making of reports under division (B) of this section, and 5232  
anyone participating in good faith in a judicial proceeding 5233  
resulting from the reports, shall be immune from any civil or 5234  
criminal liability for injury, death, or loss to person or 5235  
property that otherwise might be incurred or imposed as a result 5236  
of the making of the reports or the participation in the judicial 5237  
proceeding. 5238



(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(H)(1) Except as provided in divisions (H)(4) and (N) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section. 5271  
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(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code. 5274  
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(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center. 5279  
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(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse 5299  
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of a child referred to a children's advocacy center pursuant to an 5303  
interagency agreement entered into under section 2151.428 of the 5304  
Revised Code, in writing of the disposition of the investigation. 5305  
The agency shall not provide to the person any information that 5306  
identifies the person who made the report, statements of 5307  
witnesses, or police or other investigative reports. 5308

(I) Any report that is required by this section, other than a 5309  
report that is made to the state highway patrol as described in 5310  
section 5120.173 of the Revised Code, shall result in protective 5311  
services and emergency supportive services being made available by 5312  
the public children services agency on behalf of the children 5313  
about whom the report is made, in an effort to prevent further 5314  
neglect or abuse, to enhance their welfare, and, whenever 5315  
possible, to preserve the family unit intact. The agency required 5316  
to provide the services shall be the agency conducting the 5317  
investigation of the report pursuant to section 2151.422 of the 5318  
Revised Code. 5319

(J)(1) Each public children services agency shall prepare a 5320  
memorandum of understanding that is signed by all of the 5321  
following: 5322

(a) If there is only one juvenile judge in the county, the 5323  
juvenile judge of the county or the juvenile judge's 5324  
representative; 5325

(b) If there is more than one juvenile judge in the county, a 5326  
juvenile judge or the juvenile judges' representative selected by 5327  
the juvenile judges or, if they are unable to do so for any 5328  
reason, the juvenile judge who is senior in point of service or 5329  
the senior juvenile judge's representative; 5330

(c) The county peace officer; 5331

(d) All chief municipal peace officers within the county; 5332

(e) Other law enforcement officers handling child abuse and 5333

neglect cases in the county; 5334

(f) The prosecuting attorney of the county; 5335

(g) If the public children services agency is not the county 5336  
department of job and family services, the county department of 5337  
job and family services; 5338

(h) The county humane society; 5339

(i) If the public children services agency participated in 5340  
the execution of a memorandum of understanding under section 5341  
2151.426 of the Revised Code establishing a children's advocacy 5342  
center, each participating member of the children's advocacy 5343  
center established by the memorandum. 5344

(2) A memorandum of understanding shall set forth the normal 5345  
operating procedure to be employed by all concerned officials in 5346  
the execution of their respective responsibilities under this 5347  
section and division (C) of section 2919.21, division (B)(1) of 5348  
section 2919.22, division (B) of section 2919.23, and section 5349  
2919.24 of the Revised Code and shall have as two of its primary 5350  
goals the elimination of all unnecessary interviews of children 5351  
who are the subject of reports made pursuant to division (A) or 5352  
(B) of this section and, when feasible, providing for only one 5353  
interview of a child who is the subject of any report made 5354  
pursuant to division (A) or (B) of this section. A failure to 5355  
follow the procedure set forth in the memorandum by the concerned 5356  
officials is not grounds for, and shall not result in, the 5357  
dismissal of any charges or complaint arising from any reported 5358  
case of abuse or neglect or the suppression of any evidence 5359  
obtained as a result of any reported child abuse or child neglect 5360  
and does not give, and shall not be construed as giving, any 5361  
rights or any grounds for appeal or post-conviction relief to any 5362  
person. 5363

(3) A memorandum of understanding shall include all of the 5364

following: 5365

(a) The roles and responsibilities for handling emergency and 5366  
nonemergency cases of abuse and neglect; 5367

(b) Standards and procedures to be used in handling and 5368  
coordinating investigations of reported cases of child abuse and 5369  
reported cases of child neglect, methods to be used in 5370  
interviewing the child who is the subject of the report and who 5371  
allegedly was abused or neglected, and standards and procedures 5372  
addressing the categories of persons who may interview the child 5373  
who is the subject of the report and who allegedly was abused or 5374  
neglected. 5375

(4) If a public children services agency participated in the 5376  
execution of a memorandum of understanding under section 2151.426 5377  
of the Revised Code establishing a children's advocacy center, the 5378  
agency shall incorporate the contents of that memorandum in the 5379  
memorandum prepared pursuant to this section. 5380

(5) The clerk of the court of common pleas in the county may 5381  
sign the memorandum of understanding prepared under division 5382  
(J)(1) of this section. If the clerk signs the memorandum of 5383  
understanding, the clerk shall execute all relevant 5384  
responsibilities as required of officials specified in the 5385  
memorandum. 5386

(K)(1) Except as provided in division (K)(4) of this section, 5387  
a person who is required to make a report pursuant to division (A) 5388  
of this section may make a reasonable number of requests of the 5389  
public children services agency that receives or is referred the 5390  
report, or of the children's advocacy center that is referred the 5391  
report if the report is referred to a children's advocacy center 5392  
pursuant to an interagency agreement entered into under section 5393  
2151.428 of the Revised Code, to be provided with the following 5394  
information: 5395

(a) Whether the agency or center has initiated an investigation of the report; 5396  
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(b) Whether the agency or center is continuing to investigate the report; 5398  
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(c) Whether the agency or center is otherwise involved with the child who is the subject of the report; 5400  
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(d) The general status of the health and safety of the child who is the subject of the report; 5402  
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(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court. 5404  
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(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report. 5407  
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When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report. 5411  
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Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those 5420  
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divisions. 5427

(3) A request made pursuant to division (K)(1) of this 5428  
section is not a substitute for any report required to be made 5429  
pursuant to division (A) of this section. 5430

(4) If an agency other than the agency that received or was 5431  
referred the report is conducting the investigation of the report 5432  
pursuant to section 2151.422 of the Revised Code, the agency 5433  
conducting the investigation shall comply with the requirements of 5434  
division (K) of this section. 5435

(L) The director of job and family services shall adopt rules 5436  
in accordance with Chapter 119. of the Revised Code to implement 5437  
this section. The department of job and family services may enter 5438  
into a plan of cooperation with any other governmental entity to 5439  
aid in ensuring that children are protected from abuse and 5440  
neglect. The department shall make recommendations to the attorney 5441  
general that the department determines are necessary to protect 5442  
children from child abuse and child neglect. 5443

(M) Whoever violates division (A) of this section is liable 5444  
for compensatory and exemplary damages to the child who would have 5445  
been the subject of the report that was not made. A person who 5446  
brings a civil action or proceeding pursuant to this division 5447  
against a person who is alleged to have violated division (A)(1) 5448  
of this section may use in the action or proceeding reports of 5449  
other incidents of known or suspected abuse or neglect, provided 5450  
that any information in a report that would identify the child who 5451  
is the subject of the report or the maker of the report, if the 5452  
maker is not the defendant or an agent or employee of the 5453  
defendant, has been redacted. 5454

(N)(1) As used in this division: 5455

(a) "Out-of-home care" includes a nonchartered nonpublic 5456  
school if the alleged child abuse or child neglect, or alleged 5457

threat of child abuse or child neglect, described in a report 5458  
received by a public children services agency allegedly occurred 5459  
in or involved the nonchartered nonpublic school and the alleged 5460  
perpetrator named in the report holds a certificate, permit, or 5461  
license issued by the state board of education under section 5462  
3301.071 or Chapter 3319. of the Revised Code. 5463

(b) "Administrator, director, or other chief administrative 5464  
officer" means the superintendent of the school district if the 5465  
out-of-home care entity subject to a report made pursuant to this 5466  
section is a school operated by the district. 5467

(2) No later than the end of the day following the day on 5468  
which a public children services agency receives a report of 5469  
alleged child abuse or child neglect, or a report of an alleged 5470  
threat of child abuse or child neglect, that allegedly occurred in 5471  
or involved an out-of-home care entity, the agency shall provide 5472  
written notice of the allegations contained in and the person 5473  
named as the alleged perpetrator in the report to the 5474  
administrator, director, or other chief administrative officer of 5475  
the out-of-home care entity that is the subject of the report 5476  
unless the administrator, director, or other chief administrative 5477  
officer is named as an alleged perpetrator in the report. If the 5478  
administrator, director, or other chief administrative officer of 5479  
an out-of-home care entity is named as an alleged perpetrator in a 5480  
report of alleged child abuse or child neglect, or a report of an 5481  
alleged threat of child abuse or child neglect, that allegedly 5482  
occurred in or involved the out-of-home care entity, the agency 5483  
shall provide the written notice to the owner or governing board 5484  
of the out-of-home care entity that is the subject of the report. 5485  
The agency shall not provide witness statements or police or other 5486  
investigative reports. 5487

(3) No later than three days after the day on which a public 5488  
children services agency that conducted the investigation as 5489



determined pursuant to section 2151.422 of the Revised Code makes 5490  
a disposition of an investigation involving a report of alleged 5491  
child abuse or child neglect, or a report of an alleged threat of 5492  
child abuse or child neglect, that allegedly occurred in or 5493  
involved an out-of-home care entity, the agency shall send written 5494  
notice of the disposition of the investigation to the 5495  
administrator, director, or other chief administrative officer and 5496  
the owner or governing board of the out-of-home care entity. The 5497  
agency shall not provide witness statements or police or other 5498  
investigative reports. 5499

(O) As used in this section, "investigation" means the public 5500  
children services agency's response to an accepted report of child 5501  
abuse or neglect through either an alternative response or a 5502  
traditional response. 5503

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 5504  
child, the court may make any of the following orders of 5505  
disposition, in addition to any other disposition authorized or 5506  
required by this chapter: 5507

(1) Any order that is authorized by section 2151.353 of the 5508  
Revised Code for the care and protection of an abused, neglected, 5509  
or dependent child; 5510

(2) Commit the child to the temporary custody of any school, 5511  
camp, institution, or other facility operated for the care of 5512  
delinquent children by the county, by a district organized under 5513  
section 2152.41 or 2151.65 of the Revised Code, or by a private 5514  
agency or organization, within or without the state, that is 5515  
authorized and qualified to provide the care, treatment, or 5516  
placement required, including, but not limited to, a school, camp, 5517  
or facility operated under section 2151.65 of the Revised Code; 5518

(3) Place the child in a detention facility or district 5519  
detention facility operated under section 2152.41 of the Revised 5520

Code, for up to ninety days; 5521

(4) Place the child on community control under any sanctions, 5522  
services, and conditions that the court prescribes. As a condition 5523  
of community control in every case and in addition to any other 5524  
condition that it imposes upon the child, the court shall require 5525  
the child to abide by the law during the period of community 5526  
control. As referred to in this division, community control 5527  
includes, but is not limited to, the following sanctions and 5528  
conditions: 5529

(a) A period of basic probation supervision in which the 5530  
child is required to maintain contact with a person appointed to 5531  
supervise the child in accordance with sanctions imposed by the 5532  
court; 5533

(b) A period of intensive probation supervision in which the 5534  
child is required to maintain frequent contact with a person 5535  
appointed by the court to supervise the child while the child is 5536  
seeking or maintaining employment and participating in training, 5537  
education, and treatment programs as the order of disposition; 5538

(c) A period of day reporting in which the child is required 5539  
each day to report to and leave a center or another approved 5540  
reporting location at specified times in order to participate in 5541  
work, education or training, treatment, and other approved 5542  
programs at the center or outside the center; 5543

(d) A period of community service of up to five hundred hours 5544  
for an act that would be a felony or a misdemeanor of the first 5545  
degree if committed by an adult, up to two hundred hours for an 5546  
act that would be a misdemeanor of the second, third, or fourth 5547  
degree if committed by an adult, or up to thirty hours for an act 5548  
that would be a minor misdemeanor if committed by an adult; 5549

(e) A requirement that the child obtain a high school 5550  
diploma, a certificate of high school equivalence, vocational 5551

training, or employment;	5552
(f) A period of drug and alcohol use monitoring;	5553
(g) A requirement of alcohol or drug assessment or counseling, or a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court;	5554 5555 5556 5557
(h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours;	5558 5559
(i) A requirement that the child serve monitored time;	5560
(j) A period of house arrest without electronic monitoring or continuous alcohol monitoring;	5561 5562
(k) A period of electronic monitoring or continuous alcohol monitoring without house arrest, or house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act.	5563 5564 5565 5566 5567 5568
A period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, imposed under this division shall not extend beyond the child's twenty-first birthday. If a court imposes a period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, upon a child under this division, it shall require the child: to remain in the child's home or other specified premises for the entire period of house arrest with electronic monitoring or continuous alcohol monitoring or both except when the court permits the child to leave those premises to go to school or to other specified premises. Regarding electronic monitoring, the court also shall require the child to be monitored by a central system that can determine the child's location at	5569 5570 5571 5572 5573 5574 5575 5576 5577 5578 5579 5580 5581 5582

designated times; to report periodically to a person designated by 5583  
the court; and to enter into a written contract with the court 5584  
agreeing to comply with all requirements imposed by the court, 5585  
agreeing to pay any fee imposed by the court for the costs of the 5586  
house arrest with electronic monitoring, and agreeing to waive the 5587  
right to receive credit for any time served on house arrest with 5588  
electronic monitoring toward the period of any other dispositional 5589  
order imposed upon the child if the child violates any of the 5590  
requirements of the dispositional order of house arrest with 5591  
electronic monitoring. The court also may impose other reasonable 5592  
requirements upon the child. 5593

Unless ordered by the court, a child shall not receive credit 5594  
for any time served on house arrest with electronic monitoring or 5595  
continuous alcohol monitoring or both toward any other 5596  
dispositional order imposed upon the child for the act for which 5597  
was imposed the dispositional order of house arrest with 5598  
electronic monitoring or continuous alcohol monitoring. As used in 5599  
this division and division (A)(4)(1) of this section, "continuous 5600  
alcohol monitoring" has the same meaning as in section 2929.01 of 5601  
the Revised Code. 5602

(1) A suspension of the driver's license, probationary 5603  
driver's license, or temporary instruction permit issued to the 5604  
child for a period of time prescribed by the court, or a 5605  
suspension of the registration of all motor vehicles registered in 5606  
the name of the child for a period of time prescribed by the 5607  
court. A child whose license or permit is so suspended is 5608  
ineligible for issuance of a license or permit during the period 5609  
of suspension. At the end of the period of suspension, the child 5610  
shall not be reissued a license or permit until the child has paid 5611  
any applicable reinstatement fee and complied with all 5612  
requirements governing license reinstatement. 5613

(5) Commit the child to the custody of the court; 5614

(6) Require the child to not be absent without legitimate 5615  
excuse from the public school the child is supposed to attend for 5616  
five or more consecutive days, seven or more school days in one 5617  
school month, or twelve or more school days in a school year; 5618

(7)(a) If a child is adjudicated a delinquent child for being 5619  
a chronic truant or a habitual truant who previously has been 5620  
adjudicated an unruly child for being a habitual truant, do either 5621  
or both of the following: 5622

(i) Require the child to participate in a truancy prevention 5623  
mediation program; 5624

(ii) Make any order of disposition as authorized by this 5625  
section, except that the court shall not commit the child to a 5626  
facility described in division (A)(2) or (3) of this section 5627  
unless the court determines that the child violated a lawful court 5628  
order made pursuant to division (C)(1)(e) of section 2151.354 of 5629  
the Revised Code or division (A)(6) of this section. 5630

(b) If a child is adjudicated a delinquent child for being a 5631  
chronic truant or a habitual truant who previously has been 5632  
adjudicated an unruly child for being a habitual truant and the 5633  
court determines that the parent, guardian, or other person having 5634  
care of the child has failed to cause the child's attendance at 5635  
school in violation of section 3321.38 of the Revised Code, do 5636  
either or both of the following: 5637

(i) Require the parent, guardian, or other person having care 5638  
of the child to participate in a truancy prevention mediation 5639  
program; 5640

(ii) Require the parent, guardian, or other person having 5641  
care of the child to participate in any community service program, 5642  
preferably a community service program that requires the 5643  
involvement of the parent, guardian, or other person having care 5644  
of the child in the school attended by the child. 5645

(8) Make any further disposition that the court finds proper, 5646  
except that the child shall not be placed in ~~any of the following:~~ 5647

~~(a) A~~ a state correctional institution, a county, 5648  
multicounty, or municipal jail or workhouse, or another place in 5649  
which an adult convicted of a crime, under arrest, or charged with 5650  
a crime is held: 5651

~~(b) A community corrections facility, if the child would be 5652  
covered by the definition of public safety beds for purposes of 5653  
sections 5139.41 to 5139.43 of the Revised Code if the court 5654  
exercised its authority to commit the child to the legal custody 5655  
of the department of youth services for institutionalization or 5656  
institutionalization in a secure facility pursuant to this 5657  
chapter. 5658~~

(B) If a child is adjudicated a delinquent child, in addition 5659  
to any order of disposition made under division (A) of this 5660  
section, the court, in the following situations and for the 5661  
specified periods of time, shall suspend the child's temporary 5662  
instruction permit, restricted license, probationary driver's 5663  
license, or nonresident operating privilege, or suspend the 5664  
child's ability to obtain such a permit: 5665

(1) If the child is adjudicated a delinquent child for 5666  
violating section 2923.122 of the Revised Code, impose a class 5667  
four suspension of the child's license, permit, or privilege from 5668  
the range specified in division (A)(4) of section 4510.02 of the 5669  
Revised Code or deny the child the issuance of a license or permit 5670  
in accordance with division (F)(1) of section 2923.122 of the 5671  
Revised Code. 5672

(2) If the child is adjudicated a delinquent child for 5673  
committing an act that if committed by an adult would be a drug 5674  
abuse offense or for violating division (B) of section 2917.11 of 5675  
the Revised Code, suspend the child's license, permit, or 5676

privilege for a period of time prescribed by the court. The court, 5677  
in its discretion, may terminate the suspension if the child 5678  
attends and satisfactorily completes a drug abuse or alcohol abuse 5679  
education, intervention, or treatment program specified by the 5680  
court. During the time the child is attending a program described 5681  
in this division, the court shall retain the child's temporary 5682  
instruction permit, probationary driver's license, or driver's 5683  
license, and the court shall return the permit or license if it 5684  
terminates the suspension as described in this division. 5685

(C) The court may establish a victim-offender mediation 5686  
program in which victims and their offenders meet to discuss the 5687  
offense and suggest possible restitution. If the court obtains the 5688  
assent of the victim of the delinquent act committed by the child, 5689  
the court may require the child to participate in the program. 5690

(D)(1) If a child is adjudicated a delinquent child for 5691  
committing an act that would be a felony if committed by an adult 5692  
and if the child caused, attempted to cause, threatened to cause, 5693  
or created a risk of physical harm to the victim of the act, the 5694  
court, prior to issuing an order of disposition under this 5695  
section, shall order the preparation of a victim impact statement 5696  
by the probation department of the county in which the victim of 5697  
the act resides, by the court's own probation department, or by a 5698  
victim assistance program that is operated by the state, a county, 5699  
a municipal corporation, or another governmental entity. The court 5700  
shall consider the victim impact statement in determining the 5701  
order of disposition to issue for the child. 5702

(2) Each victim impact statement shall identify the victim of 5703  
the act for which the child was adjudicated a delinquent child, 5704  
itemize any economic loss suffered by the victim as a result of 5705  
the act, identify any physical injury suffered by the victim as a 5706  
result of the act and the seriousness and permanence of the 5707  
injury, identify any change in the victim's personal welfare or 5708

familial relationships as a result of the act and any 5709  
psychological impact experienced by the victim or the victim's 5710  
family as a result of the act, and contain any other information 5711  
related to the impact of the act upon the victim that the court 5712  
requires. 5713

(3) A victim impact statement shall be kept confidential and 5714  
is not a public record. However, the court may furnish copies of 5715  
the statement to the department of youth services if the 5716  
delinquent child is committed to the department or to both the 5717  
adjudicated delinquent child or the adjudicated delinquent child's 5718  
counsel and the prosecuting attorney. The copy of a victim impact 5719  
statement furnished by the court to the department pursuant to 5720  
this section shall be kept confidential and is not a public 5721  
record. If an officer is preparing pursuant to section 2947.06 or 5722  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 5723  
investigation report pertaining to a person, the court shall make 5724  
available to the officer, for use in preparing the report, a copy 5725  
of any victim impact statement regarding that person. The copies 5726  
of a victim impact statement that are made available to the 5727  
adjudicated delinquent child or the adjudicated delinquent child's 5728  
counsel and the prosecuting attorney pursuant to this division 5729  
shall be returned to the court by the person to whom they were 5730  
made available immediately following the imposition of an order of 5731  
disposition for the child under this chapter. 5732

The copy of a victim impact statement that is made available 5733  
pursuant to this division to an officer preparing a criminal 5734  
presentence investigation report shall be returned to the court by 5735  
the officer immediately following its use in preparing the report. 5736

(4) The department of youth services shall work with local 5737  
probation departments and victim assistance programs to develop a 5738  
standard victim impact statement. 5739

(E) If a child is adjudicated a delinquent child for being a 5740



chronic truant or a habitual truant who previously has been 5741  
adjudicated an unruly child for being a habitual truant and the 5742  
court determines that the parent, guardian, or other person having 5743  
care of the child has failed to cause the child's attendance at 5744  
school in violation of section 3321.38 of the Revised Code, in 5745  
addition to any order of disposition it makes under this section, 5746  
the court shall warn the parent, guardian, or other person having 5747  
care of the child that any subsequent adjudication of the child as 5748  
an unruly or delinquent child for being a habitual or chronic 5749  
truant may result in a criminal charge against the parent, 5750  
guardian, or other person having care of the child for a violation 5751  
of division (C) of section 2919.21 or section 2919.24 of the 5752  
Revised Code. 5753

(F)(1) During the period of a delinquent child's community 5754  
control granted under this section, authorized probation officers 5755  
who are engaged within the scope of their supervisory duties or 5756  
responsibilities may search, with or without a warrant, the person 5757  
of the delinquent child, the place of residence of the delinquent 5758  
child, and a motor vehicle, another item of tangible or intangible 5759  
personal property, or other real property in which the delinquent 5760  
child has a right, title, or interest or for which the delinquent 5761  
child has the express or implied permission of a person with a 5762  
right, title, or interest to use, occupy, or possess if the 5763  
probation officers have reasonable grounds to believe that the 5764  
delinquent child is not abiding by the law or otherwise is not 5765  
complying with the conditions of the delinquent child's community 5766  
control. The court that places a delinquent child on community 5767  
control under this section shall provide the delinquent child with 5768  
a written notice that informs the delinquent child that authorized 5769  
probation officers who are engaged within the scope of their 5770  
supervisory duties or responsibilities may conduct those types of 5771  
searches during the period of community control if they have 5772  
reasonable grounds to believe that the delinquent child is not 5773

abiding by the law or otherwise is not complying with the 5774  
conditions of the delinquent child's community control. The court 5775  
also shall provide the written notice described in division (E)(2) 5776  
of this section to each parent, guardian, or custodian of the 5777  
delinquent child who is described in that division. 5778

(2) The court that places a child on community control under 5779  
this section shall provide the child's parent, guardian, or other 5780  
custodian with a written notice that informs them that authorized 5781  
probation officers may conduct searches pursuant to division 5782  
(E)(1) of this section. The notice shall specifically state that a 5783  
permissible search might extend to a motor vehicle, another item 5784  
of tangible or intangible personal property, or a place of 5785  
residence or other real property in which a notified parent, 5786  
guardian, or custodian has a right, title, or interest and that 5787  
the parent, guardian, or custodian expressly or impliedly permits 5788  
the child to use, occupy, or possess. 5789

(G) If a juvenile court commits a delinquent child to the 5790  
custody of any person, organization, or entity pursuant to this 5791  
section and if the delinquent act for which the child is so 5792  
committed is a sexually oriented offense or is a child-victim 5793  
oriented offense, the court in the order of disposition shall do 5794  
one of the following: 5795

(1) Require that the child be provided treatment as described 5796  
in division (A)(2) of section 5139.13 of the Revised Code; 5797

(2) Inform the person, organization, or entity that it is the 5798  
preferred course of action in this state that the child be 5799  
provided treatment as described in division (A)(2) of section 5800  
5139.13 of the Revised Code and encourage the person, 5801  
organization, or entity to provide that treatment. 5802

**Sec. 2701.09.** In any county in which a daily law journal is 5803  
printed, the judges of the courts of record, other than the court 5804

of appeals, shall jointly designate such daily law journal as the 5805  
journal in which shall be published all calendars of the courts of 5806  
record in such county, which calendars shall contain the numbers 5807  
and titles of causes, and names of attorneys appearing therein, 5808  
together with the motion dockets and such particulars and notices 5809  
respecting causes, as may be specified by the judges, and each 5810  
notice required to be published by any of such judges. 5811

In all cases, proceedings, administrations of estates, 5812  
assignments, and matters pending in any of the courts of record of 5813  
such counties in which legal notices or advertisements are 5814  
required to be published, such law journal shall, once a week and 5815  
on the same day of the week, publish an abstract of each such 5816  
legal notice or advertisement, but the jurisdiction over, or 5817  
irregularity of, a proceeding, trial, or judgment shall not be 5818  
affected by anything therein. The publisher of the daily law 5819  
journal also shall post the legal notice or advertisement in its 5820  
entirety on the daily law journal's web site, if the daily law 5821  
journal has one, and on the official public notice web site 5822  
established under section 125.182 of the Revised Code at no 5823  
additional cost. 5824

For the publication of such calendars, motion dockets, and 5825  
notices, the fees for which are not fixed by law, the publisher of 5826  
the ~~paper~~ journal shall receive a sum to be fixed by the judges 5827  
for each case brought, to be paid in advance by the party filing 5828  
the petition, transcripts for appeal, or lien, to be taxed in the 5829  
costs and collected as other costs. For the publication of 5830  
abstracts of legal ~~advertising~~ notices or advertisements, such 5831  
publisher shall receive a sum to be fixed by the judges for each 5832  
case, proceeding, or matter, in which such advertising is had, to 5833  
be taxed and collected as a part of the costs thereof. 5834

**Sec. 2945.402.** (A) In approving a conditional release, the 5835

trial court may set any conditions on the release with respect to 5836  
the treatment, evaluation, counseling, or control of the defendant 5837  
or person that the court considers necessary to protect the public 5838  
safety and the welfare of the defendant or person. The trial court 5839  
may revoke a defendant's or person's conditional release and order 5840  
reinstatement of the previous placement or reinstitutionalization 5841  
at any time the conditions of the release have not been satisfied, 5842  
provided that the revocation shall be in accordance with this 5843  
section. 5844

(B) A conditional release is a commitment. The hearings on 5845  
continued commitment as described in section 2945.401 of the 5846  
Revised Code apply to a defendant or person on conditional 5847  
release. 5848

(C) A person, agency, or facility that is assigned to monitor 5849  
a defendant or person on conditional release immediately shall 5850  
notify the trial court on learning that the defendant or person 5851  
being monitored has violated the terms of the conditional release. 5852  
Upon learning of any violation of the terms of the conditional 5853  
release, the trial court may issue a temporary order of detention 5854  
or, if necessary, an arrest warrant for the defendant or person. 5855  
Within ten court days after the defendant's or person's detention 5856  
or arrest, the trial court shall conduct a hearing to determine 5857  
whether the conditional release should be modified or terminated. 5858  
At the hearing, the defendant or person shall have the same rights 5859  
as are described in division (C) of section 2945.40 of the Revised 5860  
Code. The trial court may order a continuance of the ten-court-day 5861  
period for no longer than ten days for good cause shown or for any 5862  
period on motion of the defendant or person. If the trial court 5863  
fails to conduct the hearing within the ten-court-day period and 5864  
does not order a continuance in accordance with this division, the 5865  
defendant or person shall be restored to the prior conditional 5866  
release status. 5867

(D) The trial court shall give all parties reasonable notice of a hearing conducted under this section. At the hearing, the prosecutor shall present the case demonstrating that the defendant or person violated the terms of the conditional release. If the court finds by a preponderance of the evidence that the defendant or person violated the terms of the conditional release, the court may continue, modify, or terminate the conditional release and shall enter its order accordingly.

(E)(1) If a court approves a conditional release, the court shall report the approval and information pertaining to the release to the local law enforcement agency. The local law enforcement agency shall enter the approval and information into the national crime information center supervised release file through the law enforcement automated data system. The information required by divisions (E)(1)(c) and (d) of this section shall be entered into the file's miscellaneous field. The information reported and entered shall include all of the following:

(a) The name of the court providing the information;

(b) The offense or offenses with which the defendant or person was charged;

(c) Whether the person was found not guilty by reason of insanity or incompetent to stand trial with no substantial probability of becoming competent even with a course of treatment;

(d) The reason for the conditional release;

(e) Any other information required for the entry of information into the national crime information center supervised release file.

(2) Information entered into the national crime information center supervised release file pursuant to this section shall remain in the file until the termination of the conditional release or commitment.

(3) If a defendant or person about whom information is 5899  
entered into the national crime information center supervised 5900  
release file pursuant to division (E)(1) of this section has 5901  
contact with a law enforcement agency after the information is 5902  
entered, the agency shall report the contact to the department of 5903  
mental health and addiction services and, if the terms of the 5904  
release require the defendant or person to receive mental health 5905  
treatment, to the person, office, or agency providing the 5906  
treatment. 5907

(4) As used in division (E) of this section, "local law 5908  
enforcement agency" means the police department of a municipal 5909  
corporation in which the offense with which a releasee was charged 5910  
allegedly occurred or, if the offense did not allegedly occur in a 5911  
municipal corporation, the sheriff of the county in which the 5912  
offense allegedly occurred. 5913

**Sec. 3123.89.** (A) Subject to section 3770.071 of the Revised 5914  
Code, a child support enforcement agency that determines that an 5915  
obligor who is the recipient of a lottery prize award is subject 5916  
to a final and enforceable determination of default made under 5917  
sections 3123.01 to 3123.07 of the Revised Code shall issue an 5918  
intercept directive to the director of the state lottery 5919  
commission. A copy of this intercept directive shall be sent to 5920  
the obligor. 5921

(B) The intercept directive shall require the director or the 5922  
director's designee to transmit an amount or amounts from the 5923  
proceeds of the specified lottery prize award to the office of 5924  
child support in the department of job and family services. The 5925  
intercept directive also shall contain all of the following 5926  
information: 5927

(1) The name, address, and social security number or taxpayer 5928  
identification number of the obligor; 5929

(2) A statement that the obligor has been determined to be in default under a support order; 5930  
5931

(3) The amount of the arrearage owed by the obligor as determined by the agency. 5932  
5933

(C) After receipt of an intercept directive and in accordance with section 3770.071 of the Revised Code, the director or the director's designee shall deduct the amount or amounts specified from the proceeds of the lottery prize award referred to in the directive and transmit the amounts to the office of child support. 5934  
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(D) The department of job and family services shall develop and implement a data match program with the state lottery commission or its lottery sales agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code in accordance with section 3770.071 of the Revised Code. 5939  
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**Sec. 3123.90.** (A) As used in this section, "casino facility," "casino operator," and "management company" have the meanings defined in section 3772.01 of the Revised Code. 5945  
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(B) The department of job and family services shall develop and implement a data match program with each casino facility's casino operator or management company to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. 5948  
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(C) Upon the data match program's implementation, if a person's winnings at a casino facility are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the casino operator or management company shall determine if the person entitled to the winnings is in default under a support order. If the casino operator or management company determines 5953  
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that the person is in default, the casino operator or management 5960  
company shall withhold from the person's winnings an amount 5961  
sufficient to satisfy any past due support owed by the obligor 5962  
identified in the data match up to the amount of the winnings. 5963

(D) Not later than seven days after withholding the amount, 5964  
the casino operator or management company shall transmit any 5965  
amount withheld to the department as payment on the support 5966  
obligation. 5967

(E) The Department may adopt rules under Chapter 119. of the 5968  
Revised Code as are necessary for implementation of this section. 5969

**Sec. 3313.90.** As used in this section, "formula ADM" has the 5970  
same meaning as in section 3317.02 of the Revised Code. 5971  
Notwithstanding division (D) of section 3311.19 and division (D) 5972  
of section 3311.52 of the Revised Code, the provisions of this 5973  
section that apply to a city school district do not apply to any 5974  
joint vocational or cooperative education school district. 5975

(A) Each city, local, and exempted village school district 5976  
shall, by one of the following means, provide ~~vocational~~ 5977  
career-technical education adequate to prepare a pupil enrolled 5978  
therein for an occupation: 5979

(1) Establishing and maintaining a ~~vocational~~ 5980  
career-technical education program that meets standards adopted by 5981  
the state board of education; 5982

(2) Being a member of a joint vocational school district that 5983  
meets standards adopted by the state board; 5984

(3) Contracting for ~~vocational~~ career-technical education 5985  
with a joint vocational school district or another school district 5986  
that meets the standards adopted by the state board. 5987

The standards of the state board of education shall include 5988  
criteria for the participation by nonpublic students in ~~vocational~~ 5989



career-technical education programs without financial assessment, 5990  
charge, or tuition to such student except such assessments, 5991  
charges, or tuition paid by resident public school students in 5992  
such programs. Such nonpublic school students shall be included in 5993  
the formula ADM of the school district maintaining the ~~vocational~~ 5994  
career-technical education program as part-time students in 5995  
proportion to the time spent in the ~~vocational~~ career-technical 5996  
education program. 5997

By the thirtieth day of October of each year, the 5998  
superintendent of public instruction shall determine and certify 5999  
to the superintendent of each school district subject to this 6000  
section either that the district is in compliance with the 6001  
requirements of this section for the current school year or that 6002  
the district is not in compliance. If the superintendent certifies 6003  
that the district is not in compliance, he shall notify the board 6004  
of education of the district of the actions necessary to bring the 6005  
district into compliance with this section. 6006

In meeting standards established by the state board of 6007  
education, school districts, where practicable, shall provide 6008  
~~vocational~~ career-technical education programs in high schools. A 6009  
minimum enrollment of fifteen hundred pupils in grades nine 6010  
through twelve is established as a base for comprehensive 6011  
~~vocational~~ career-technical education course offerings. A school 6012  
district may meet this requirement alone, through a cooperative 6013  
arrangement pursuant to section 3313.92 of the Revised Code, 6014  
through school district consolidation, by membership in a joint 6015  
vocational school district, by contract with a school district, by 6016  
contract with a school licensed by any state agency established by 6017  
the Revised Code which school operates its courses offered for 6018  
contracting with public schools under standards as to staffing and 6019  
facilities comparable to those prescribed by the state board of 6020  
education for public schools provided no instructor in such 6021

courses shall be required to be certificated by the state 6022  
department of education, or in a combination of such ways. 6023  
Exceptions to the minimum requirement of fifteen hundred pupils 6024  
may be made by the state board of education based on sparsity of 6025  
population or other factors indicating that comprehensive 6026  
educational and ~~vocational~~ career-technical education programs as 6027  
required by this section can be provided through an alternate 6028  
plan. 6029

(B) Approval of state funds for the construction and 6030  
operation of vocational facilities in any city, local, or exempted 6031  
village school district shall be contingent upon a comprehensive 6032  
vocational program plan approved by the state board of education 6033  
no later than July 1, 1970. The state board of education shall not 6034  
approve a school district plan unless the plan proposed reasonably 6035  
meets the vocational needs of other school districts in the 6036  
general area of the school districts in the general area of the 6037  
school district submitting the plan. The plan shall be submitted 6038  
to the state board of education no later than April 1, 1970. Such 6039  
plan shall contain: 6040

(1) The organization for vocational education pursuant to the 6041  
requirements of this section; 6042

(2) Vocational programs to be offered in the respective 6043  
comprehensive high schools, in specialized schools or skill 6044  
centers, and in joint vocational schools; 6045

(3) Remodeled, additional, and new vocational facilities 6046  
required at the respective locations. 6047

In approving the organization for vocational education the 6048  
state board of education shall provide that no city, local, or 6049  
exempted village school district is excluded in the statewide 6050  
plan. 6051

(C)(1) The lead district of a career-technical planning 6052

district offering a pre-apprenticeship program may enter into an 6053  
agreement with a private entity to provide students with the 6054  
opportunity to begin an apprenticeship program prior to graduating 6055  
from high school. 6056

(2) Students enrolled in an apprenticeship program pursuant 6057  
to a lead district's agreement with a private entity under 6058  
division (C)(1) of this section shall be included in the 6059  
enrollment of the student's resident district as reported under 6060  
section 3317.03 of the Revised Code and, where appropriate, in the 6061  
student count reported under section 3317.03 of the Revised Code 6062  
for the appropriate career-technical education categories for the 6063  
portion of the day they attend the apprenticeship program. 6064

**Sec. 3313.91.** Notwithstanding division (D) of section 3311.19 6065  
and division (D) of section 3311.52 of the Revised Code, the 6066  
provisions of this section and section 3313.911 of the Revised 6067  
Code that apply to a city school district do not apply to any 6068  
joint vocational or cooperative education school district unless 6069  
otherwise specified. 6070

The board of education of any city, local, exempted village, 6071  
or joint vocational school district may contract with any public 6072  
agency, board, or bureau, or with any private individual or firm 6073  
for the purchase of any ~~vocational~~ career-technical education or 6074  
vocational rehabilitation service for any resident of the district 6075  
under the age of twenty-one years and may pay for such services 6076  
with public funds. ~~Any~~ Except as provided in division (C) of 6077  
section 3313.90 of the Revised Code, any such ~~vocational~~ 6078  
career-technical education or vocational rehabilitation service 6079  
shall meet the same requirements, including those for teachers, 6080  
facilities, and equipment, as those required of the public schools 6081  
and be approved by the state department of education. 6082

The state board of education may assign city, local, or 6083

exempted village school districts to joint vocational districts 6084  
and pursuant to state board rules, shall require such districts to 6085  
enter into contractual agreements pursuant to section 3313.90 of 6086  
the Revised Code so that special education students as well as 6087  
others may receive suitable vocational services. Such rules shall 6088  
prescribe a formula under which the district that contracts to 6089  
receive the services agrees to pay an annual fee to the district 6090  
providing the ~~vocational~~ career-technical education program. The 6091  
amount of the fee shall be computed in accordance with a formula 6092  
prescribed by state board rule, but the rule shall permit the 6093  
superintendent of public instruction to prescribe a lower fee than 6094  
the amount required to be paid by the formula in cases where ~~he~~ 6095  
the superintendent determines either that the approved ~~vocational~~ 6096  
career-technical course offerings of the district that is to pay 6097  
the fee are of sufficient breadth to warrant a lower annual fee, 6098  
or that the situation warrants a lower annual fee. 6099

**Sec. 3314.08.** (A) As used in this section: 6100

(1)(a) "Category one career-technical education student" 6101  
means a student who is receiving the career-technical education 6102  
services described in division (A) of section 3317.014 of the 6103  
Revised Code. 6104

(b) "Category two career-technical student" means a student 6105  
who is receiving the career-technical education services described 6106  
in division (B) of section 3317.014 of the Revised Code. 6107

(c) "Category three career-technical student" means a student 6108  
who is receiving the career-technical education services described 6109  
in division (C) of section 3317.014 of the Revised Code. 6110

(d) "Category four career-technical student" means a student 6111  
who is receiving the career-technical education services described 6112  
in division (D) of section 3317.014 of the Revised Code. 6113

- (e) "Category five career-technical education student" means 6114  
a student who is receiving the career-technical education services 6115  
described in division (E) of section 3317.014 of the Revised Code. 6116
- (2)(a) "Category one limited English proficient student" 6117  
means a limited English proficient student described in division 6118  
(A) of section 3317.016 of the Revised Code. 6119
- (b) "Category two limited English proficient student" means a 6120  
limited English proficient student described in division (B) of 6121  
section 3317.016 of the Revised Code. 6122
- (c) "Category three limited English proficient student" means 6123  
a limited English proficient student described in division (C) of 6124  
section 3317.016 of the Revised Code. 6125
- (3)(a) "Category one special education student" means a 6126  
student who is receiving special education services for a 6127  
disability specified in division (A) of section 3317.013 of the 6128  
Revised Code. 6129
- (b) "Category two special education student" means a student 6130  
who is receiving special education services for a disability 6131  
specified in division (B) of section 3317.013 of the Revised Code. 6132
- (c) "Category three special education student" means a 6133  
student who is receiving special education services for a 6134  
disability specified in division (C) of section 3317.013 of the 6135  
Revised Code. 6136
- (d) "Category four special education student" means a student 6137  
who is receiving special education services for a disability 6138  
specified in division (D) of section 3317.013 of the Revised Code. 6139
- (e) "Category five special education student" means a student 6140  
who is receiving special education services for a disability 6141  
specified in division (E) of section 3317.013 of the Revised Code. 6142
- (f) "Category six special education student" means a student 6143

who is receiving special education services for a disability 6144  
specified in division (F) of section 3317.013 of the Revised Code. 6145

(4) "Formula amount" has the same meaning as in section 6146  
3317.02 of the Revised Code. 6147

(5) "IEP" has the same meaning as in section 3323.01 of the 6148  
Revised Code. 6149

(6) "Resident district" means the school district in which a 6150  
student is entitled to attend school under section 3313.64 or 6151  
3313.65 of the Revised Code. 6152

(7) "State education aid" has the same meaning as in section 6153  
5751.20 of the Revised Code. 6154

(B) The state board of education shall adopt rules requiring 6155  
both of the following: 6156

(1) The board of education of each city, exempted village, 6157  
and local school district to annually report the number of 6158  
students entitled to attend school in the district who are 6159  
enrolled in each grade kindergarten through twelve in a community 6160  
school established under this chapter, and for each child, the 6161  
community school in which the child is enrolled. 6162

(2) The governing authority of each community school 6163  
established under this chapter to annually report all of the 6164  
following: 6165

(a) The number of students enrolled in grades one through 6166  
twelve and the full-time equivalent number of students enrolled in 6167  
kindergarten in the school who are not receiving special education 6168  
and related services pursuant to an IEP; 6169

(b) The number of enrolled students in grades one through 6170  
twelve and the full-time equivalent number of enrolled students in 6171  
kindergarten, who are receiving special education and related 6172  
services pursuant to an IEP; 6173

(c) The number of students reported under division (B)(2)(b) 6174  
of this section receiving special education and related services 6175  
pursuant to an IEP for a disability described in each of divisions 6176  
(A) to (F) of section 3317.013 of the Revised Code; 6177

(d) The full-time equivalent number of students reported 6178  
under divisions (B)(2)(a) and (b) of this section who are enrolled 6179  
in career-technical education programs or classes described in 6180  
each of divisions (A) to (E) of section 3317.014 of the Revised 6181  
Code that are provided by the community school; 6182

(e) ~~Twenty per cent of the~~ The number of students reported 6183  
under divisions (B)(2)(a) and (b) of this section who are not 6184  
reported under division (B)(2)(d) of this section but who are 6185  
enrolled in career-technical education programs or classes 6186  
described in each of divisions (A) to (E) of section 3317.014 of 6187  
the Revised Code at a joint vocational school district or another 6188  
district in the career-technical planning district to which the 6189  
school is assigned; 6190

(f) The number of students reported under divisions (B)(2)(a) 6191  
and (b) of this section who are category one to three limited 6192  
English proficient students described in each of divisions (A) to 6193  
(C) of section 3317.016 of the Revised Code; 6194

(g) The number of students reported under divisions (B)(2)(a) 6195  
and (b) who are economically disadvantaged, as defined by the 6196  
department. A student shall not be categorically excluded from the 6197  
number reported under division (B)(2)(g) of this section based on 6198  
anything other than family income. 6199

(h) For each student, the city, exempted village, or local 6200  
school district in which the student is entitled to attend school 6201  
under section 3313.64 or 3313.65 of the Revised Code. 6202

A school district board and a community school governing 6203  
authority shall include in their respective reports under division 6204

(B) of this section any child admitted in accordance with division 6205  
(A)(2) of section 3321.01 of the Revised Code. 6206

A governing authority of a community school shall not include 6207  
in its report under division (B)(2) of this section any student 6208  
for whom tuition is charged under division (F) of this section. 6209

(C)(1) Except as provided in division (C)(2) of this section, 6210  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 6211  
section, on a full-time equivalency basis, for each student 6212  
enrolled in a community school established under this chapter, the 6213  
department of education annually shall deduct from the state 6214  
education aid of a student's resident district and, if necessary, 6215  
from the payment made to the district under sections 321.24 and 6216  
323.156 of the Revised Code and pay to the community school the 6217  
sum of the following: 6218

(a) An opportunity grant in an amount equal to the formula 6219  
amount; 6220

(b) The per pupil amount of targeted assistance funds 6221  
calculated under division (A) of section 3317.0217 of the Revised 6222  
Code for the student's resident district, as determined by the 6223  
department, X 0.25; 6224

(c) Additional state aid for special education and related 6225  
services provided under Chapter 3323. of the Revised Code as 6226  
follows: 6227

(i) If the student is a category one special education 6228  
student, the amount specified in division (A) of section 3317.013 6229  
of the Revised Code; 6230

(ii) If the student is a category two special education 6231  
student, the amount specified in division (B) of section 3317.013 6232  
of the Revised Code; 6233

(iii) If the student is a category three special education 6234



student, the amount specified in division (C) of section 3317.013	6235
of the Revised Code;	6236
(iv) If the student is a category four special education	6237
student, the amount specified in division (D) of section 3317.013	6238
of the Revised Code;	6239
(v) If the student is a category five special education	6240
student, the amount specified in division (E) of section 3317.013	6241
of the Revised Code;	6242
(vi) If the student is a category six special education	6243
student, the amount specified in division (F) of section 3317.013	6244
of the Revised Code.	6245
(d) If the student is in kindergarten through third grade, an	6246
additional amount of \$211, in fiscal year 2014, and \$290, in	6247
fiscal year 2015;	6248
(e) If the student is economically disadvantaged, an	6249
additional amount equal to the following:	6250
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X	6251
(the resident district's economically disadvantaged index)	6252
(f) Limited English proficiency funds as follows:	6253
(i) If the student is a category one limited English	6254
proficient student, the amount specified in division (A) of	6255
section 3317.016 of the Revised Code;	6256
(ii) If the student is a category two limited English	6257
proficient student, the amount specified in division (B) of	6258
section 3317.016 of the Revised Code;	6259
(iii) If the student is a category three limited English	6260
proficient student, the amount specified in division (C) of	6261
section 3317.016 of the Revised Code.	6262
(g) <del>Career-technical</del> <u>If the student is reported under</u>	6263
<u>division (B)(2)(d) of this section, career-technical</u> education	6264

funds as follows: 6265

(i) If the student is a category one career-technical 6266  
education student, the amount specified in division (A) of section 6267  
3317.014 of the Revised Code; 6268

(ii) If the student is a category two career-technical 6269  
education student, the amount specified in division (B) of section 6270  
3317.014 of the Revised Code; 6271

(iii) If the student is a category three career-technical 6272  
education student, the amount specified in division (C) of section 6273  
3317.014 of the Revised Code; 6274

(iv) If the student is a category four career-technical 6275  
education student, the amount specified in division (D) of section 6276  
3317.014 of the Revised Code; 6277

(v) If the student is a category five career-technical 6278  
education student, the amount specified in division (E) of section 6279  
3317.014 of the Revised Code. 6280

Deduction and payment of funds under division (C)(1)(g) of 6281  
this section is subject to approval by the lead district of a 6282  
career-technical planning district or the department of education 6283  
under section 3317.161 of the Revised Code. 6284

(2) When deducting from the state education aid of a 6285  
student's resident district for students enrolled in an internet- 6286  
or computer-based community school and making payments to such 6287  
school under this section, the department shall make the 6288  
deductions and payments described in only divisions (C)(1)(a), 6289  
(c), and (g) of this section. 6290

No deductions or payments shall be made for a student 6291  
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 6292  
of this section. 6293

(3)(a) If a community school's costs for a fiscal year for a 6294

student receiving special education and related services pursuant 6295  
to an IEP for a disability described in divisions (B) to (F) of 6296  
section 3317.013 of the Revised Code exceed the threshold 6297  
catastrophic cost for serving the student as specified in division 6298  
(B) of section 3317.0214 of the Revised Code, the school may 6299  
submit to the superintendent of public instruction documentation, 6300  
as prescribed by the superintendent, of all its costs for that 6301  
student. Upon submission of documentation for a student of the 6302  
type and in the manner prescribed, the department shall pay to the 6303  
community school an amount equal to the school's costs for the 6304  
student in excess of the threshold catastrophic costs. 6305

(b) The community school shall report under division 6306  
(C)(3)(a) of this section, and the department shall pay for, only 6307  
the costs of educational expenses and the related services 6308  
provided to the student in accordance with the student's 6309  
individualized education program. Any legal fees, court costs, or 6310  
other costs associated with any cause of action relating to the 6311  
student may not be included in the amount. 6312

(4) In any fiscal year, a community school receiving funds 6313  
under division (C)(1)(g) of this section shall spend those funds 6314  
only for the purposes that the department designates as approved 6315  
for career-technical education expenses. Career-technical 6316  
~~educational~~ educational expenses approved by the department shall 6317  
include only expenses connected to the delivery of 6318  
career-technical programming to career-technical students. The 6319  
department shall require the school to report data annually so 6320  
that the department may monitor the school's compliance with the 6321  
requirements regarding the manner in which funding received under 6322  
division (C)(1)(g) of this section may be spent. 6323

(5) All funds received under division (C)(1)(g) of this 6324  
section shall be spent in the following manner: 6325

(a) At least seventy-five per cent of the funds shall be 6326

spent on curriculum development, purchase, and implementation; 6327  
instructional resources and supplies; industry-based program 6328  
certification; student assessment, credentialing, and placement; 6329  
curriculum specific equipment purchases and leases; 6330  
career-technical student organization fees and expenses; home and 6331  
agency linkages; work-based learning experiences; professional 6332  
development; and other costs directly associated with 6333  
career-technical education programs including development of new 6334  
programs. 6335

(b) Not more than twenty-five per cent of the funds shall be 6336  
used for personnel expenditures. 6337

(6) A community school shall spend the funds it receives 6338  
under division (C)(1)(e) of this section in accordance with 6339  
section 3317.25 of the Revised Code. 6340

(7) If the sum of the payments computed under ~~division~~ 6341  
divisions (C)(1) and (8)(a) of this section for the students 6342  
entitled to attend school in a particular school district under 6343  
sections 3313.64 and 3313.65 of the Revised Code exceeds the sum 6344  
of that district's state education aid and its payment under 6345  
sections 321.24 and 323.156 of the Revised Code, the department 6346  
shall calculate and apply a proration factor to the payments to 6347  
all community schools under that division for the students 6348  
entitled to attend school in that district. 6349

(8)(a) Subject to division (C)(7) of this section, the 6350  
department annually shall pay to each community school, including 6351  
each internet- or computer-based community school, an amount equal 6352  
to the following: 6353

(The number of students reported by the community school 6354  
under division (B)(2)(e) of this section X the formula amount X 6355  
.20) 6356

(b) For each payment made to a community school under 6357

division (C)(8)(a) of this section, the department shall deduct 6358  
from the state education aid of each city, local, and exempted 6359  
village school district and, if necessary, from the payment made 6360  
to the district under sections 321.24 and 323.156 of the Revised 6361  
Code an amount equal to the following: 6362

(The number of the district's students reported by the 6363  
community school under division (B)(2)(e) of this section X the 6364  
formula amount X .20) 6365

(D) A board of education sponsoring a community school may 6366  
utilize local funds to make enhancement grants to the school or 6367  
may agree, either as part of the contract or separately, to 6368  
provide any specific services to the community school at no cost 6369  
to the school. 6370

(E) A community school may not levy taxes or issue bonds 6371  
secured by tax revenues. 6372

(F) No community school shall charge tuition for the 6373  
enrollment of any student who is a resident of this state. A 6374  
community school may charge tuition for the enrollment of any 6375  
student who is not a resident of this state. 6376

(G)(1)(a) A community school may borrow money to pay any 6377  
necessary and actual expenses of the school in anticipation of the 6378  
receipt of any portion of the payments to be received by the 6379  
school pursuant to division (C) of this section. The school may 6380  
issue notes to evidence such borrowing. The proceeds of the notes 6381  
shall be used only for the purposes for which the anticipated 6382  
receipts may be lawfully expended by the school. 6383

(b) A school may also borrow money for a term not to exceed 6384  
fifteen years for the purpose of acquiring facilities. 6385

(2) Except for any amount guaranteed under section 3318.50 of 6386  
the Revised Code, the state is not liable for debt incurred by the 6387  
governing authority of a community school. 6388

(H) The department of education shall adjust the amounts 6389  
subtracted and paid under division (C) of this section to reflect 6390  
any enrollment of students in community schools for less than the 6391  
equivalent of a full school year. The state board of education 6392  
within ninety days after April 8, 2003, shall adopt in accordance 6393  
with Chapter 119. of the Revised Code rules governing the payments 6394  
to community schools under this section including initial payments 6395  
in a school year and adjustments and reductions made in subsequent 6396  
periodic payments to community schools and corresponding 6397  
deductions from school district accounts as provided under 6398  
division (C) of this section. For purposes of this section: 6399

(1) A student shall be considered enrolled in the community 6400  
school for any portion of the school year the student is 6401  
participating at a college under Chapter 3365. of the Revised 6402  
Code. 6403

(2) A student shall be considered to be enrolled in a 6404  
community school for the period of time beginning on the later of 6405  
the date on which the school both has received documentation of 6406  
the student's enrollment from a parent and the student has 6407  
commenced participation in learning opportunities as defined in 6408  
the contract with the sponsor, or thirty days prior to the date on 6409  
which the student is entered into the education management 6410  
information system established under section 3301.0714 of the 6411  
Revised Code. For purposes of applying this division and divisions 6412  
(H)(3) and (4) of this section to a community school student, 6413  
"learning opportunities" shall be defined in the contract, which 6414  
shall describe both classroom-based and non-classroom-based 6415  
learning opportunities and shall be in compliance with criteria 6416  
and documentation requirements for student participation which 6417  
shall be established by the department. Any student's instruction 6418  
time in non-classroom-based learning opportunities shall be 6419  
certified by an employee of the community school. A student's 6420

enrollment shall be considered to cease on the date on which any 6421  
of the following occur: 6422

(a) The community school receives documentation from a parent 6423  
terminating enrollment of the student. 6424

(b) The community school is provided documentation of a 6425  
student's enrollment in another public or private school. 6426

(c) The community school ceases to offer learning 6427  
opportunities to the student pursuant to the terms of the contract 6428  
with the sponsor or the operation of any provision of this 6429  
chapter. 6430

Except as otherwise specified in this paragraph, beginning in 6431  
the 2011-2012 school year, any student who completed the prior 6432  
school year in an internet- or computer-based community school 6433  
shall be considered to be enrolled in the same school in the 6434  
subsequent school year until the student's enrollment has ceased 6435  
as specified in division (H)(2) of this section. The department 6436  
shall continue subtracting and paying amounts for the student 6437  
under division (C) of this section without interruption at the 6438  
start of the subsequent school year. However, if the student 6439  
without a legitimate excuse fails to participate in the first one 6440  
hundred five consecutive hours of learning opportunities offered 6441  
to the student in that subsequent school year, the student shall 6442  
be considered not to have re-enrolled in the school for that 6443  
school year and the department shall recalculate the payments to 6444  
the school for that school year to account for the fact that the 6445  
student is not enrolled. 6446

(3) The department shall determine each community school 6447  
student's percentage of full-time equivalency based on the 6448  
percentage of learning opportunities offered by the community 6449  
school to that student, reported either as number of hours or 6450  
number of days, is of the total learning opportunities offered by 6451

the community school to a student who attends for the school's 6452  
entire school year. However, no internet- or computer-based 6453  
community school shall be credited for any time a student spends 6454  
participating in learning opportunities beyond ten hours within 6455  
any period of twenty-four consecutive hours. Whether it reports 6456  
hours or days of learning opportunities, each community school 6457  
shall offer not less than nine hundred twenty hours of learning 6458  
opportunities during the school year. 6459

(4) With respect to the calculation of full-time equivalency 6460  
under division (H)(3) of this section, the department shall waive 6461  
the number of hours or days of learning opportunities not offered 6462  
to a student because the community school was closed during the 6463  
school year due to disease epidemic, hazardous weather conditions, 6464  
law enforcement emergencies, inoperability of school buses or 6465  
other equipment necessary to the school's operation, damage to a 6466  
school building, or other temporary circumstances due to utility 6467  
failure rendering the school building unfit for school use, so 6468  
long as the school was actually open for instruction with students 6469  
in attendance during that school year for not less than the 6470  
minimum number of hours required by this chapter. The department 6471  
shall treat the school as if it were open for instruction with 6472  
students in attendance during the hours or days waived under this 6473  
division. 6474

(I) The department of education shall reduce the amounts paid 6475  
under this section to reflect payments made to colleges under 6476  
division (B) of section 3365.07 of the Revised Code or through 6477  
alternative funding agreements entered into under rules adopted 6478  
under section 3365.12 of the Revised Code. 6479

(J)(1) No student shall be considered enrolled in any 6480  
internet- or computer-based community school or, if applicable to 6481  
the student, in any community school that is required to provide 6482  
the student with a computer pursuant to division (C) of section 6483



3314.22 of the Revised Code, unless both of the following 6484  
conditions are satisfied: 6485

(a) The student possesses or has been provided with all 6486  
required hardware and software materials and all such materials 6487  
are operational so that the student is capable of fully 6488  
participating in the learning opportunities specified in the 6489  
contract between the school and the school's sponsor as required 6490  
by division (A)(23) of section 3314.03 of the Revised Code; 6491

(b) The school is in compliance with division (A) of section 6492  
3314.22 of the Revised Code, relative to such student. 6493

(2) In accordance with policies adopted jointly by the 6494  
superintendent of public instruction and the auditor of state, the 6495  
department shall reduce the amounts otherwise payable under 6496  
division (C) of this section to any community school that includes 6497  
in its program the provision of computer hardware and software 6498  
materials to any student, if such hardware and software materials 6499  
have not been delivered, installed, and activated for each such 6500  
student in a timely manner or other educational materials or 6501  
services have not been provided according to the contract between 6502  
the individual community school and its sponsor. 6503

The superintendent of public instruction and the auditor of 6504  
state shall jointly establish a method for auditing any community 6505  
school to which this division pertains to ensure compliance with 6506  
this section. 6507

The superintendent, auditor of state, and the governor shall 6508  
jointly make recommendations to the general assembly for 6509  
legislative changes that may be required to assure fiscal and 6510  
academic accountability for such schools. 6511

(K)(1) If the department determines that a review of a 6512  
community school's enrollment is necessary, such review shall be 6513  
completed and written notice of the findings shall be provided to 6514

the governing authority of the community school and its sponsor 6515  
within ninety days of the end of the community school's fiscal 6516  
year, unless extended for a period not to exceed thirty additional 6517  
days for one of the following reasons: 6518

(a) The department and the community school mutually agree to 6519  
the extension. 6520

(b) Delays in data submission caused by either a community 6521  
school or its sponsor. 6522

(2) If the review results in a finding that additional 6523  
funding is owed to the school, such payment shall be made within 6524  
thirty days of the written notice. If the review results in a 6525  
finding that the community school owes moneys to the state, the 6526  
following procedure shall apply: 6527

(a) Within ten business days of the receipt of the notice of 6528  
findings, the community school may appeal the department's 6529  
determination to the state board of education or its designee. 6530

(b) The board or its designee shall conduct an informal 6531  
hearing on the matter within thirty days of receipt of such an 6532  
appeal and shall issue a decision within fifteen days of the 6533  
conclusion of the hearing. 6534

(c) If the board has enlisted a designee to conduct the 6535  
hearing, the designee shall certify its decision to the board. The 6536  
board may accept the decision of the designee or may reject the 6537  
decision of the designee and issue its own decision on the matter. 6538

(d) Any decision made by the board under this division is 6539  
final. 6540

(3) If it is decided that the community school owes moneys to 6541  
the state, the department shall deduct such amount from the 6542  
school's future payments in accordance with guidelines issued by 6543  
the superintendent of public instruction. 6544

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for that veteran.

**Sec. 3317.02.** As used in this chapter:

(A)(1) "Category one career-technical education ADM" means 6576  
the enrollment of students during the school year on a full-time 6577  
equivalency basis in career-technical education programs described 6578  
in division (A) of section 3317.014 of the Revised Code and 6579  
certified under division (B)(11) or (D)(2)(h) of section 3317.03 6580  
of the Revised Code. 6581

(2) "Category two career-technical education ADM" means the 6582  
enrollment of students during the school year on a full-time 6583  
equivalency basis in career-technical education programs described 6584  
in division (B) of section 3317.014 of the Revised Code and 6585  
certified under division (B)(12) or (D)(2)(i) of section 3317.03 6586  
of the Revised Code. 6587

(3) "Category three career-technical education ADM" means the 6588  
enrollment of students during the school year on a full-time 6589  
equivalency basis in career-technical education programs described 6590  
in division (C) of section 3317.014 of the Revised Code and 6591  
certified under division (B)(13) or (D)(2)(j) of section 3317.03 6592  
of the Revised Code. 6593

(4) "Category four career-technical education ADM" means the 6594  
enrollment of students during the school year on a full-time 6595  
equivalency basis in career-technical education programs described 6596  
in division (D) of section 3317.014 of the Revised Code and 6597  
certified under division (B)(14) or (D)(2)(k) of section 3317.03 6598  
of the Revised Code. 6599

(5) "Category five career-technical education ADM" means the 6600  
enrollment of students during the school year on a full-time 6601  
equivalency basis in career-technical education programs described 6602  
in division (E) of section 3317.014 of the Revised Code and 6603  
certified under division (B)(15) or (D)(2)(l) of section 3317.03 6604  
of the Revised Code. 6605

(B)(1) "Category one limited English proficient ADM" means 6606

the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code.

(2) "Category two limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (B) of section 3317.016 of the Revised Code and certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code.

(3) "Category three limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (C) of section 3317.016 of the Revised Code and certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code.

(C)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised

Code. 6638

(4) "Category four special education ADM" means the full-time 6639  
equivalent number of students receiving special education services 6640  
for those disabilities specified in division (D) of section 6641  
3317.013 of the Revised Code and certified under division (B)(8) 6642  
or (D)(2)(e) of section 3317.03 of the Revised Code. 6643

(5) "Category five special education ADM" means the full-time 6644  
equivalent number of students receiving special education services 6645  
for the disabilities specified in division (E) of section 3317.013 6646  
of the Revised Code and certified under division (B)(9) or 6647  
(D)(2)(f) of section 3317.03 of the Revised Code. 6648

(6) "Category six special education ADM" means the full-time 6649  
equivalent number of students receiving special education services 6650  
for the disabilities specified in division (F) of section 3317.013 6651  
of the Revised Code and certified under division (B)(10) or 6652  
(D)(2)(g) of section 3317.03 of the Revised Code. 6653

(D) "County DD board" means a county board of developmental 6654  
disabilities. 6655

(E) "Economically disadvantaged index for a school district" 6656  
means the square of the quotient of that district's percentage of 6657  
students in its total ADM who are identified as economically 6658  
disadvantaged as defined by the department of education, divided 6659  
by the statewide percentage of students identified as economically 6660  
disadvantaged. 6661

(F)(1) "Formula ADM" means, for a city, local, or exempted 6662  
village school district, the enrollment reported under division 6663  
(A) of section 3317.03 of the Revised Code, as verified by the 6664  
superintendent of public instruction and adjusted if so ordered 6665  
under division (K) of that section, and as further adjusted by 6666  
counting the department of education, as follows: 6667

(a) Count only twenty per cent of the number of joint 6668

vocational school district students counted under division (A)(3) 6669  
of section 3317.03 of the Revised Code; 6670

(b) Add twenty per cent of the number of students who are 6671  
entitled to attend school in the district under section 3313.64 or 6672  
3313.65 of the Revised Code and are enrolled in another school 6673  
district under a career-technical education compact. 6674

(2) "Formula ADM" means, for a joint vocational school 6675  
district, the final number verified by the superintendent of 6676  
public instruction, based on the enrollment reported and certified 6677  
under division (D) of section 3317.03 of the Revised Code, as 6678  
adjusted, if so ordered, under division (K) of that section. 6679

(G) "Formula amount" means \$5,745, for fiscal year 2014, and 6680  
\$5,800, for fiscal year 2015. 6681

(H) "FTE basis" means a count of students based on full-time 6682  
equivalency, in accordance with rules adopted by the department of 6683  
education pursuant to section 3317.03 of the Revised Code. In 6684  
adopting its rules under this division, the department shall 6685  
provide for counting any student in category one, two, three, 6686  
four, five, or six special education ADM or in category one, two, 6687  
three, four, or five career technical education ADM in the same 6688  
proportion the student is counted in formula ADM. 6689

(I) "Internet- or computer-based community school" has the 6690  
same meaning as in section 3314.02 of the Revised Code. 6691

(J) "Medically fragile child" means a child to whom all of 6692  
the following apply: 6693

(1) The child requires the services of a doctor of medicine 6694  
or osteopathic medicine at least once a week due to the 6695  
instability of the child's medical condition. 6696

(2) The child requires the services of a registered nurse on 6697  
a daily basis. 6698

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(K)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (K)(1)(a) or (b) of this section.

(L) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(M) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(N) "Related services" includes:



- (1) Child study, special education supervisors and 6730  
coordinators, speech and hearing services, adaptive physical 6731  
development services, occupational or physical therapy, teacher 6732  
assistants for children with disabilities whose disabilities are 6733  
described in division (B) of section 3317.013 or division (B)(3) 6734  
of this section, behavioral intervention, interpreter services, 6735  
work study, nursing services, and specialized integrative services 6736  
as those terms are defined by the department; 6737
- (2) Speech and language services provided to any student with 6738  
a disability, including any student whose primary or only 6739  
disability is a speech and language disability; 6740
- (3) Any related service not specifically covered by other 6741  
state funds but specified in federal law, including but not 6742  
limited to, audiology and school psychological services; 6743
- (4) Any service included in units funded under former 6744  
division (O)(1) of section 3317.024 of the Revised Code; 6745
- (5) Any other related service needed by children with 6746  
disabilities in accordance with their individualized education 6747  
programs. 6748
- (O) "School district," unless otherwise specified, means 6749  
city, local, and exempted village school districts. 6750
- (P) "State education aid" has the same meaning as in section 6751  
5751.20 of the Revised Code. 6752
- (Q) "State share index" means the state share index 6753  
calculated for a district under section 3317.017 of the Revised 6754  
Code. 6755
- (R) "Taxes charged and payable" means the taxes charged and 6756  
payable against real and public utility property after making the 6757  
reduction required by section 319.301 of the Revised Code, plus 6758  
the taxes levied against tangible personal property. 6759

(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(T) "Total special education ADM" means the sum of categories one through six special education ADM.

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

**Sec. 3317.0217.** Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) The department of education shall annually compute targeted assistance funds to school districts, as follows:

(1) Calculate the local wealth per pupil of each school district, which equals the following sum:

(a) One-half times the quotient of (i) the district's three-year average valuation divided by (ii) its formula ADM; plus

(b) One-half times the quotient of (i) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (ii) its formula ADM.

(2) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil.

(3) Compute the statewide wealth per pupil, which equals the following sum:

(a) One-half times the quotient of (i) the sum of the 6789  
three-year average valuations for all school districts divided by 6790  
(ii) the sum of formula ADM counts for all ~~schools~~ school 6791  
districts; plus 6792

(b) One-half times the quotient of (i) the sum of the 6793  
three-year average total federal adjusted gross incomes for all 6794  
school districts divided by (ii) the sum of formula ADM counts for 6795  
all school districts. 6796

(4) Compute each district's wealth index by dividing the 6797  
statewide wealth per pupil by the district's local wealth per 6798  
pupil. 6799

(5) Compute the per pupil targeted assistance for each 6800  
eligible school district in accordance with the following formula: 6801

(Threshold local wealth per pupil - the district's local wealth 6802  
per pupil) 6803

X target millage X the district's wealth index 6804

Where: 6805

(a) An "eligible school district" means a school district 6806  
with a local wealth per pupil less than that of the school 6807  
district with the 490th lowest local wealth per pupil. 6808

(b) "Threshold local wealth per pupil" means the local wealth 6809  
per pupil of the school district with the 490th lowest local 6810  
wealth per pupil. 6811

(c) "Target millage" means 0.006. 6812

If the result of the calculation for a school district under 6813  
division (A)(5) of this section is less than zero, the district's 6814  
targeted assistance shall be zero. 6815

(6) Calculate the aggregate amount to be paid as targeted 6816  
assistance funds to each school district under division (A) of 6817  
section 3317.022 of the Revised Code by multiplying the per pupil 6818

targeted assistance computed under division (A)(5) of this section 6819  
by the district's net formula ADM. 6820

As used in this division, a district's "net formula ADM" 6821  
means its formula ADM minus the number of community school 6822  
students certified under division (B)(3)(d) of section 3317.03 of 6823  
the Revised Code X 0.75, the number of internet- and 6824  
computer-based community school students certified under division 6825  
(B)(3)(e) of that section, the number of science, technology, 6826  
engineering, and mathematics school students certified under 6827  
division (B)(3)(j) of that section X 0.75, and the number of 6828  
scholarship students certified under divisions (B)(3)(f), (g), and 6829  
(l) of that section. 6830

(B) The department shall annually compute supplemental 6831  
targeted assistance funds to school districts, as follows: 6832

(1) Compute each district's agricultural percentage as the 6833  
quotient of (a) the three-year average tax valuation of real 6834  
property in the district that is classified as agricultural 6835  
property divided by (b) the three-year average tax valuation of 6836  
all of the real property in the district. For purposes of this 6837  
computation, a district's "three-year average tax valuation" means 6838  
the average of a district's tax valuation for fiscal years 2012, 6839  
2013, and 2014. 6840

(2) Determine each district's agricultural targeted 6841  
percentage as follows: 6842

(a) If a district's agricultural percentage is greater than 6843  
or equal to 0.10, then the district's agricultural targeted 6844  
percentage shall be equal to 0.40. 6845

(b) If a district's agricultural percentage is less than 6846  
0.10, then the district's agricultural targeted percentage shall 6847  
be equal to 4 X the district's agricultural percentage. 6848

(3) Calculate the aggregate amount to be paid as supplemental 6849

targeted assistance funds to each school district under division 6850  
(A) of section 3317.022 of the Revised Code by multiplying the 6851  
district's agricultural targeted percentage by the amount 6852  
calculated for the district under division (A)(6) of this section. 6853

Sec. 3317.162. (A)(1) If the lead district of a 6854  
career-technical planning district enters into an agreement with a 6855  
private entity under division (C) of section 3313.90 of the 6856  
Revised Code, the lead district may apply to the department of 6857  
education for additional funds to assist with paying for the cost 6858  
of the apprenticeship program provided by the private entity. 6859

(2) A lead district shall be eligible to apply for these 6860  
additional funds if its agreement with the private entity 6861  
specifies both of the following: 6862

(a) A process for students to receive at least one year of 6863  
credit toward completion of the private entity's apprenticeship 6864  
program; 6865

(b) The amount that the district will pay the private entity 6866  
for each student that participates in the private entity's 6867  
apprenticeship program. 6868

(B) Upon submission of an application for the funds and a 6869  
copy of the contract with the provisions specified in division 6870  
(A)(2) of this section, the lead district shall be eligible to 6871  
receive, and the department shall pay to the lead district, an 6872  
additional payment for each full-time equivalent student 6873  
participating in the private entity's program. The payment shall 6874  
be equal to the lesser of the following: 6875

(1) The amount specified in the contract; 6876

(2) The appropriate career-technical education amount 6877  
specified in section 3317.014 of the Revised Code. 6878

~~Sec. 3701.132. The department of health is hereby designated~~ 6879  
~~as the state agency to administer~~ As used in this section, "WIC 6880  
program" means the "special supplemental nutrition program for 6881  
women, infants, and children" established under the "Child 6882  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 6883  
The 6884

The department of health is hereby designated as the state 6885  
agency to administer the WIC program. The director of health may 6886  
adopt rules pursuant to Chapter 119. of the Revised Code as 6887  
necessary for administering the WIC program. The rules may include 6888  
civil money penalties for violations of the rules. 6889

In determining eligibility for services provided under the 6890  
WIC program, the department may use the application form 6891  
established under section ~~5111.013~~ 5163.40 of the Revised Code for 6892  
the healthy start program. The department may require applicants 6893  
to furnish their social security numbers. 6894

If the department determines that a vendor has committed an 6895  
act with respect to the WIC program that federal statutes or 6896  
regulations or state statutes or rules prohibit, the department 6897  
shall take action against the vendor in the manner required by 7 6898  
C.F.R. part 246, including imposition of a civil money penalty in 6899  
accordance with 7 C.F.R. 246.12, or rules adopted under this 6900  
section. 6901

**Sec. 3701.34.** (A) The Ohio public health advisory board shall 6902  
review and make recommendations to the director of health on all 6903  
of the following: 6904

(1) Developing and adopting proposed rules under Chapters 6905  
3701 and 3717 of the Administrative Code; 6906

(2) Prescribing proposed fees for services provided by the 6907  
office of vital statistics and the bureau of environmental health; 6908

(3) Any proposed policy changes that pertain to entities serving or seeking to serve as vendors under the WIC program, as defined in section 3701.132 of the Revised Code, that are not addressed pursuant to division (A)(1) of this section. 6909  
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(4) Issues to improve public health and increase awareness of public health issues at the state level, local level, or both; 6913  
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~~(4)(5)~~ Any other public health issues that the director requests the board to consider. 6915  
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(B) ~~In making recommendations to the director under~~ For purposes of division (A)(1) of this section, all of the following apply: 6917  
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(1) Prior to filing a proposed rule with the joint committee on agency rule review, the department of health shall provide each board member with a copy of the proposed rule, copies of public comments received by the department during the public comment period, and written evidence of stakeholder involvement. 6920  
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(2) Prior to board meetings, copies of proposed rules shall be provided to members. On request of a member, the department shall ensure that appropriate department employees attend board meetings to answer questions concerning proposed rules. 6925  
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(3)(a) Not later than sixty days after receiving a copy of a proposed rule, the board shall recommend approval or disapproval of the rule and submit its recommendation by board action to the director. In making its recommendation, the board may consider public comments provided to the department or the board. 6929  
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(b) If the board fails to make a recommendation within sixty days of receiving a copy of the proposed rule, the director may file the proposed rule. 6934  
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(4) Except as provided in division (B)(3)(b) of this section, the director shall consider the board's recommendation before 6937  
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filing a proposed rule. On request of the board, the director 6939  
shall meet with the board to discuss the board's recommendation. 6940

(5) If the director disagrees with the board's 6941  
recommendation, the director shall inform the board in writing of 6942  
the director's decision and the reason for the decision prior to 6943  
the next quarterly meeting. The director or the director's 6944  
designee may meet with the board at the next quarterly meeting to 6945  
answer questions regarding why the director disagreed with the 6946  
board's recommendation. 6947

~~(C)~~(6) To the extent the board believes that a proposed rule 6948  
does not comply with requirements established by the joint 6949  
committee on agency rule review or the common sense initiative 6950  
office, nothing in this section prohibits the board, in carrying 6951  
out its duties under division (A)(1) of this section, from 6952  
contacting the joint committee on agency rule review or the common 6953  
sense initiative office. 6954

~~(D) In making recommendations under (C) For purposes of~~ 6955  
~~division (A)(2) of this section for prescribing proposed fees for~~ 6956  
~~services provided by the bureau of environmental health, the board~~ 6957  
and the department shall develop a cost methodology, subject to 6958  
approval by the director, regarding proposed fees for services 6959  
provided by the department's bureau of environmental health. 6960

(D) For purposes of division (A)(3) of this section, a 6961  
proposed WIC program policy change shall be treated as if it were 6962  
a proposed rule subject to division (A)(1) of this section and the 6963  
board and other entities involved in reviewing and making 6964  
recommendations regarding the change may follow all or part of the 6965  
procedures described in division (B) of this section. 6966

(E) This section does not apply to the following: 6967

(1) A proposed rule that is to be refiled with the joint 6968  
committee on agency rule review solely because of technical or 6969



other nonsubstantive revisions; 6970

(2) The emergency adoption, amendment, or rescission of a 6971  
rule under division (F) of section 119.03 of the Revised Code. 6972

**Sec. 3701.74.** (A) As used in this section and section 6973  
3701.741 of the Revised Code: 6974

(1) "Ambulatory care facility" means a facility that provides 6975  
medical, diagnostic, or surgical treatment to patients who do not 6976  
require hospitalization, including a dialysis center, ambulatory 6977  
surgical facility, cardiac catheterization facility, diagnostic 6978  
imaging center, extracorporeal shock wave lithotripsy center, home 6979  
health agency, inpatient hospice, birthing center, radiation 6980  
therapy center, emergency facility, and an urgent care center. 6981  
"Ambulatory care facility" does not include the private office of 6982  
a physician or dentist, whether the office is for an individual or 6983  
group practice. 6984

(2) "Chiropractor" means an individual licensed under Chapter 6985  
4734. of the Revised Code to practice chiropractic. 6986

(3) "Emergency facility" means a hospital emergency 6987  
department or any other facility that provides emergency medical 6988  
services. 6989

(4) "Health care practitioner" means all of the following: 6990

(a) A dentist or dental hygienist licensed under Chapter 6991  
4715. of the Revised Code; 6992

(b) A registered or licensed practical nurse licensed under 6993  
Chapter 4723. of the Revised Code; 6994

(c) An optometrist licensed under Chapter 4725. of the 6995  
Revised Code; 6996

(d) A dispensing optician, spectacle dispensing optician, 6997  
contact lens dispensing optician, or spectacle-contact lens 6998

dispensing optician licensed under Chapter 4725. of the Revised Code;	6999 7000
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	7001 7002
(f) A physician;	7003
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	7004 7005
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	7006 7007
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	7008 7009
(j) A chiropractor;	7010
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	7011 7012
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	7013 7014
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	7015 7016
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	7017 7018
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	7019 7020 7021 7022
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	7023 7024
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	7025 7026
(r) An emergency medical technician-basic, emergency medical	7027

technician-intermediate, or emergency medical technician-paramedic 7028  
certified under Chapter 4765. of the Revised Code. 7029

(5) "Health care provider" means a hospital, ambulatory care 7030  
facility, long-term care facility, pharmacy, emergency facility, 7031  
or health care practitioner. 7032

(6) "Hospital" has the same meaning as in section 3727.01 of 7033  
the Revised Code. 7034

(7) "Long-term care facility" means a nursing home, 7035  
residential care facility, or home for the aging, as those terms 7036  
are defined in section 3721.01 of the Revised Code; a residential 7037  
facility licensed under section 5119.34 of the Revised Code that 7038  
provides accommodations, supervision, and personal care services 7039  
for three to sixteen unrelated adults; a nursing facility, as 7040  
defined in section 5165.01 of the Revised Code; a skilled nursing 7041  
facility, as defined in section 5165.01 of the Revised Code; and 7042  
an intermediate care facility for individuals with intellectual 7043  
disabilities, as defined in section 5124.01 of the Revised Code. 7044

(8) "Medical record" means data in any form that pertains to 7045  
a patient's medical history, diagnosis, prognosis, or medical 7046  
condition and that is generated and maintained by a health care 7047  
provider in the process of the patient's health care treatment. 7048

(9) "Medical records company" means a person who stores, 7049  
locates, or copies medical records for a health care provider, or 7050  
is compensated for doing so by a health care provider, and charges 7051  
a fee for providing medical records to a patient or patient's 7052  
representative. 7053

(10) "Patient" means either of the following: 7054

(a) An individual who received health care treatment from a 7055  
health care provider; 7056

(b) A guardian, as defined in section 1337.11 of the Revised 7057

Code, of an individual described in division (A)(10)(a) of this section. 7058  
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(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division. 7060  
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(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 7072  
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(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 7074  
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(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record. 7078  
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(B) A patient, a patient's personal representative, or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office 7081  
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of the health care provider. Within a reasonable time after 7089  
receiving a request that meets the requirements of this division 7090  
and includes sufficient information to identify the record 7091  
requested, a health care provider that has the patient's medical 7092  
records shall permit the patient to examine the record during 7093  
regular business hours without charge or, on request, shall 7094  
provide a copy of the record in accordance with section 3701.741 7095  
of the Revised Code, except that if a physician or chiropractor 7096  
who has treated the patient determines for clearly stated 7097  
treatment reasons that disclosure of the requested record is 7098  
likely to have an adverse effect on the patient, the health care 7099  
provider shall provide the record to a physician or chiropractor 7100  
designated by the patient. The health care provider shall take 7101  
reasonable steps to establish the identity of the person making 7102  
the request to examine or obtain a copy of the patient's record. 7103

(C) If a health care provider fails to furnish a medical 7104  
record as required by division (B) of this section, the patient, 7105  
personal representative, or authorized person who requested the 7106  
record may bring a civil action to enforce the patient's right of 7107  
access to the record. 7108

(D)(1) This section does not apply to medical records whose 7109  
release is covered by section 173.20 or 3721.13 of the Revised 7110  
Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 7111  
C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient 7112  
Records," or by 42 C.F.R. 483.10. 7113

(2) Nothing in this section is intended to supersede the 7114  
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 7115  
and 2305.252 of the Revised Code. 7116

**Sec. 3701.83.** ~~(A)~~ There is hereby created in the state 7117  
treasury the general operations fund. Moneys in the fund shall be 7118  
used for the purposes specified in sections 3701.04, 3701.344, 7119

3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 7120  
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 7121  
3749.04, 3749.07, 4747.04, and 4769.09 of the Revised Code. 7122

~~(B) The alcohol testing program fund is hereby created in the 7123  
state treasury. The director of health shall use the fund to 7124  
administer and enforce the alcohol testing and permit program 7125  
authorized by section 3701.143 of the Revised Code. 7126~~

~~The fund shall receive transfers from the liquor control fund 7127  
created under section 4301.12 of the Revised Code. All investment 7128  
earnings of the alcohol testing program fund shall be credited to 7129  
the fund. 7130~~

**Sec. 3701.881.** (A) As used in this section: 7131

(1) "Applicant" means a person who is under final 7132  
consideration for ~~employment with~~ hiring by a home health agency 7133  
in a full-time, part-time, or temporary position that involves 7134  
providing direct care to an individual or is referred to a home 7135  
health agency by an employment service for such a position. 7136

(2) "Community-based long-term care provider" means a 7137  
provider as defined in section 173.39 of the Revised Code. 7138

(3) "Community-based long-term care subcontractor" means a 7139  
subcontractor as defined in section 173.38 of the Revised Code. 7140

(4) "Criminal records check" has the same meaning as in 7141  
section 109.572 of the Revised Code. 7142

(5) "Direct care" means any of the following: 7143

(a) Any service identified in divisions (A)(8)(a) to (f) of 7144  
this section that is provided in a patient's place of residence 7145  
used as the patient's home; 7146

(b) Any activity that requires the person performing the 7147  
activity to be routinely alone with a patient or to routinely have 7148

access to a patient's personal property or financial documents 7149  
regarding a patient; 7150

(c) For each home health agency individually, any other 7151  
routine service or activity that the chief administrator of the 7152  
home health agency designates as direct care. 7153

(6) "Disqualifying offense" means any of the offenses listed 7154  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 7155  
the Revised Code. 7156

(7) "Employee" means a person employed by a home health 7157  
agency in a full-time, part-time, or temporary position that 7158  
involves providing direct care to an individual and a person who 7159  
works in such a position due to being referred to a home health 7160  
agency by an employment service. 7161

(8) "Home health agency" means a person or government entity, 7162  
other than a nursing home, residential care facility, hospice care 7163  
program, or pediatric respite care program, that has the primary 7164  
function of providing any of the following services to a patient 7165  
at a place of residence used as the patient's home: 7166

(a) Skilled nursing care; 7167

(b) Physical therapy; 7168

(c) Speech-language pathology; 7169

(d) Occupational therapy; 7170

(e) Medical social services; 7171

(f) Home health aide services. 7172

(9) "Home health aide services" means any of the following 7173  
services provided by an employee of a home health agency: 7174

(a) Hands-on bathing or assistance with a tub bath or shower; 7175

(b) Assistance with dressing, ambulation, and toileting; 7176

(c) Catheter care but not insertion; 7177

(d) Meal preparation and feeding.	7178
(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	7179 7180 7181
(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	7182 7183 7184
(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	7185 7186
(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	7187 7188 7189
(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	7190 7191
(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	7192 7193
(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	7194 7195 7196
(17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	7197 7198
(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.	7199 7200
(B) No home health agency shall <del>employ</del> <u>hire</u> an applicant or <del>continue to employ</del> <u>retain</u> an employee in a position that involves providing direct care to an individual if any of the following apply:	7201 7202 7203 7204
(1) A review of the databases listed in division (D) of this section reveals any of the following:	7205 7206



(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the home health agency from ~~employing~~ hiring an applicant or ~~continuing to employ~~ retaining an employee included in such a database in a position that involves providing direct care to an individual.

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, or pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense.

(C) Except as provided by division (F) of this section, the chief administrator of a home health agency shall inform each applicant of both of the following at the time of the applicant's initial application for ~~employment~~ hiring into a position that

involves providing direct care to an individual or referral to the 7238  
home health agency by an employment service for a position that 7239  
involves providing direct care to an individual: 7240

(1) That a review of the databases listed in division (D) of 7241  
this section will be conducted to determine whether the home 7242  
health agency is prohibited by division (B)(1) of this section 7243  
from ~~employing~~ hiring the applicant ~~in~~ into the position; 7244

(2) That, unless the database review reveals that the 7245  
applicant may not be ~~employed in~~ hired into the position, a 7246  
criminal records check of the applicant will be conducted and the 7247  
applicant is required to provide a set of the applicant's 7248  
fingerprint impressions as part of the criminal records check. 7249

(D) As a condition of ~~employing~~ for hiring any applicant ~~in~~ 7250  
into a position that involves providing direct care to an 7251  
individual, the chief administrator of a home health agency shall 7252  
conduct a database review of the applicant in accordance with 7253  
rules adopted under this section. If rules adopted under this 7254  
section so require, the chief administrator of a home health 7255  
agency shall conduct a database review of an employee in 7256  
accordance with the rules as a condition of ~~continuing to employ~~ 7257  
retaining the employee in a position that involves providing 7258  
direct care to an individual. However, the chief administrator is 7259  
not required to conduct a database review of an applicant or 7260  
employee if division (F) of this section applies. A database 7261  
review shall determine whether the applicant or employee is 7262  
included in any of the following: 7263

(1) The excluded parties list system that is maintained by 7264  
the United States general services administration pursuant to 7265  
subpart 9.4 of the federal acquisition regulation and available at 7266  
the federal web site known as the system for award management; 7267

(2) The list of excluded individuals and entities maintained 7268

by the office of inspector general in the United States department 7269  
of health and human services pursuant to the "Social Security 7270  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 7271

(3) The registry of MR/DD employees established under section 7272  
5123.52 of the Revised Code; 7273

(4) The internet-based sex offender and child-victim offender 7274  
database established under division (A)(11) of section 2950.13 of 7275  
the Revised Code; 7276

(5) The internet-based database of inmates established under 7277  
section 5120.66 of the Revised Code; 7278

(6) The state nurse aide registry established under section 7279  
3721.32 of the Revised Code; 7280

(7) Any other database, if any, specified in rules adopted 7281  
under this section. 7282

(E)(1) As a condition ~~of employing~~ for hiring any applicant 7283  
~~in~~ into a position that involves providing direct care to an 7284  
individual, the chief administrator of a home health agency shall 7285  
request the superintendent of the bureau of criminal 7286  
identification and investigation to conduct a criminal records 7287  
check of the applicant. If rules adopted under this section so 7288  
require, the chief administrator of a home health agency shall 7289  
request the superintendent to conduct a criminal records check of 7290  
an employee at times specified in the rules as a condition ~~of~~ 7291  
~~continuing to employ~~ for retaining the employee in a position that 7292  
involves providing direct care to an individual. However, the 7293  
chief administrator is not required to request the criminal 7294  
records check of the applicant or the employee if division (F) of 7295  
this section applies or the home health agency is prohibited by 7296  
division (B)(1) of this section from ~~employing~~ hiring the 7297  
applicant or ~~continuing to employ~~ retaining the employee in a 7298  
position that involves providing direct care to an individual. If 7299

an applicant or employee for whom a criminal records check request 7300  
is required by this section does not present proof of having been 7301  
a resident of this state for the five-year period immediately 7302  
prior to the date upon which the criminal records check is 7303  
requested or does not provide evidence that within that five-year 7304  
period the superintendent has requested information about the 7305  
applicant from the federal bureau of investigation in a criminal 7306  
records check, the chief administrator shall request that the 7307  
superintendent obtain information from the federal bureau of 7308  
investigation as a part of the criminal records check. Even if an 7309  
applicant or employee for whom a criminal records check request is 7310  
required by this section presents proof that the applicant or 7311  
employee has been a resident of this state for that five-year 7312  
period, the chief administrator may request that the 7313  
superintendent include information from the federal bureau of 7314  
investigation in the criminal records check. 7315

(2) The chief administrator shall do all of the following: 7316

(a) Provide to each applicant and employee for whom a 7317  
criminal records check request is required by this section a copy 7318  
of the form prescribed pursuant to division (C)(1) of section 7319  
109.572 of the Revised Code and a standard impression sheet 7320  
prescribed pursuant to division (C)(2) of that section; 7321

(b) Obtain the completed form and standard impression sheet 7322  
from each applicant and employee; 7323

(c) Forward the completed form and standard impression sheet 7324  
to the superintendent at the time the chief administrator requests 7325  
the criminal records check. 7326

(3) A home health agency shall pay to the bureau of criminal 7327  
identification and investigation the fee prescribed pursuant to 7328  
division (C)(3) of section 109.572 of the Revised Code for each 7329  
criminal records check the agency requests under this section. A 7330

home health agency may charge an applicant a fee not exceeding the 7331  
amount the agency pays to the bureau under this section if both of 7332  
the following apply: 7333

(a) The home health agency notifies the applicant at the time 7334  
of initial application for ~~employment~~ hiring into the position in 7335  
question of the amount of the fee and that, unless the fee is 7336  
paid, the applicant will not be considered for ~~employment~~ the 7337  
hiring. 7338

(b) The medicaid program does not reimburse the home health 7339  
agency for the fee it pays to the bureau under this section. 7340

(F) Divisions (C) to (E) of this section do not apply with 7341  
regard to an applicant or employee if the applicant or employee is 7342  
referred to a home health agency by an employment service that 7343  
supplies full-time, part-time, or temporary staff for positions 7344  
that involve providing direct care to an individual and both of 7345  
the following apply: 7346

(1) The chief administrator of the home health agency 7347  
receives from the employment service confirmation that a review of 7348  
the databases listed in division (D) of this section was conducted 7349  
with regard to the applicant or employee. 7350

(2) The chief administrator of the home health agency 7351  
receives from the employment service, applicant, or employee a 7352  
report of the results of a criminal records check of the applicant 7353  
or employee that has been conducted by the superintendent within 7354  
the one-year period immediately preceding the following: 7355

(a) In the case of an applicant, the date of the applicant's 7356  
referral by the employment service to the home health agency; 7357

(b) In the case of an employee, the date by which the home 7358  
health agency would otherwise have to request a criminal records 7359  
check of the employee under division (E) of this section. 7360

(G)(1) A home health agency may ~~employ~~ conditionally hire an 7361  
applicant for whom a criminal records check request is required by 7362  
this section before obtaining the results of the criminal records 7363  
check if the agency is not prohibited by division (B) of this 7364  
section from ~~employing~~ hiring the applicant in a position that 7365  
involves providing direct care to an individual and either of the 7366  
following applies: 7367

(a) The chief administrator of the home health agency 7368  
requests the criminal records check in accordance with division 7369  
(E) of this section not later than five business days after the 7370  
home health agency conditionally hires the applicant ~~begins~~ 7371  
~~conditional employment.~~ 7372

(b) The applicant is referred to the home health agency by an 7373  
employment service, the employment service or the applicant 7374  
provides the chief administrator of the agency a letter that is on 7375  
the letterhead of the employment service, the letter is dated and 7376  
signed by a supervisor or another designated official of the 7377  
employment service, and the letter states all of the following: 7378

(i) That the employment service has requested the 7379  
superintendent to conduct a criminal records check regarding the 7380  
applicant; 7381

(ii) That the requested criminal records check is to include 7382  
a determination of whether the applicant has been convicted of, or 7383  
pleaded guilty to, ~~or been found eligible for intervention in lieu~~ 7384  
~~of conviction for~~ a disqualifying offense; 7385

(iii) That the employment service has not received the 7386  
results of the criminal records check as of the date set forth on 7387  
the letter; 7388

(iv) That the employment service promptly will send a copy of 7389  
the results of the criminal records check to the chief 7390  
administrator of the home health agency when the employment 7391

service receives the results. 7392

(2) If a home health agency ~~employs an applicant~~ 7393  
conditionally hires an applicant pursuant to division (G)(1)(b) of 7394  
this section, the employment service, on its receipt of the 7395  
results of the criminal records check, promptly shall send a copy 7396  
of the results to the chief administrator of the agency. 7397

(3) A home health agency that ~~employs~~ conditionally hires an 7398  
applicant ~~conditionally~~ pursuant to division (G)(1)(a) or (b) of 7399  
this section shall ~~terminate the applicant's employment~~ remove the 7400  
conditionally hired applicant from any job duties that require a 7401  
criminal records check if the results of the criminal records 7402  
check, other than the results of any request for information from 7403  
the federal bureau of investigation, are not obtained within the 7404  
period ending sixty days after the date the request for the 7405  
criminal records check is made. ~~Regardless~~ 7406

Regardless of when the results of the criminal records check 7407  
are obtained, if the results indicate that the conditionally hired 7408  
applicant has been convicted of, or pleaded guilty to, ~~or been~~ 7409  
~~found eligible for intervention in lieu of conviction for a~~ 7410  
disqualifying offense, the home health agency shall terminate the 7411  
conditionally hired applicant's employment unless circumstances 7412  
specified in rules adopted under this section that permit the 7413  
agency to ~~employ~~ hire the applicant exist and the agency chooses 7414  
to ~~employ~~ hire the applicant. Termination of employment under this 7415  
division shall be considered just cause for discharge for purposes 7416  
of division (D)(2) of section 4141.29 of the Revised Code if the 7417  
applicant makes any attempt to deceive the home health agency 7418  
about the applicant's criminal record. 7419

(H) The report of any criminal records check conducted by the 7420  
bureau of criminal identification and investigation in accordance 7421  
with section 109.572 of the Revised Code and pursuant to a request 7422  
made under this section is not a public record for the purposes of 7423

section 149.43 of the Revised Code and shall not be made available 7424  
to any person other than the following: 7425

(1) The applicant or employee who is the subject of the 7426  
criminal records check or the applicant's or employee's 7427  
representative; 7428

(2) The home health agency requesting the criminal ~~records~~ 7429  
~~check~~ record or its representative; 7430

(3) The administrator of any other facility, agency, or 7431  
program that provides direct care to individuals that is owned or 7432  
operated by the same entity that owns or operates the home health 7433  
agency that requested the criminal records check; 7434

(4) The employment service that requested the criminal 7435  
records check; 7436

(5) The director of health and the staff of the department of 7437  
health who monitor a home health agency's compliance with this 7438  
section; 7439

(6) The director of aging or the director's designee if 7440  
either of the following apply: 7441

(a) In the case of a criminal records check requested by a 7442  
home health agency, the home health agency also is a 7443  
community-based long-term care provider or community-based 7444  
long-term care subcontractor; 7445

(b) In the case of a criminal records check requested by an 7446  
employment service, the employment service makes the request for 7447  
an applicant or employee the employment service refers to a home 7448  
health agency that also is a community-based long-term care 7449  
provider or community-based long-term care subcontractor. 7450

(7) The medicaid director and the staff of the department of 7451  
medicaid who are involved in the administration of the medicaid 7452  
program if either of the following apply: 7453



(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency; 7454  
7455  
7456

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency. 7457  
7458  
7459  
7460

(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 7461  
7462

(a) A denial of ~~employment~~ hiring of the applicant or of retention of the employee; 7463  
7464

(b) Employment or unemployment benefits of the applicant or employee; 7465  
7466

(c) A civil or criminal action regarding the medicaid program. 7467  
7468

(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant who a home health agency hires, or an employee who a home health agency employs, in a position that involves providing direct care to an individual, all of the following shall apply: 7469  
7470  
7471  
7472  
7473  
7474

(1) If the home health agency ~~employed~~ hired the applicant or retained the employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 7475  
7476  
7477  
7478  
7479  
7480

(2) If the home health agency ~~employed~~ conditionally hired the applicant in good faith ~~on a conditional basis~~ pursuant to division (G) of this section, the agency shall not be found 7481  
7482  
7483

negligent solely because it ~~employed~~ conditionally hired the 7484  
applicant prior to receiving the report of a criminal records 7485  
check requested under this section. 7486

(3) If the home health agency in good faith ~~employed~~ hired 7487  
the applicant or retained the employee according to the personal 7488  
character standards established in rules adopted under this 7489  
section, the agency shall not be found negligent solely because 7490  
the applicant or employee had been convicted of, or pleaded guilty 7491  
to, ~~or been found eligible for intervention in lieu of conviction~~ 7492  
~~for~~ a disqualifying offense. 7493

(J) The director of health shall adopt rules in accordance 7494  
with Chapter 119. of the Revised Code to implement this section. 7495

(1) The rules may do the following: 7496

(a) Require employees to undergo database reviews and 7497  
criminal records checks under this section; 7498

(b) If the rules require employees to undergo database 7499  
reviews and criminal records checks under this section, exempt one 7500  
or more classes of employees from the requirements; 7501

(c) For the purpose of division (D)(7) of this section, 7502  
specify other databases that are to be checked as part of a 7503  
database review conducted under this section. 7504

(2) The rules shall specify all of the following: 7505

(a) The procedures for conducting database reviews under this 7506  
section; 7507

(b) If the rules require employees to undergo database 7508  
reviews and criminal records checks under this section, the times 7509  
at which the database reviews and criminal records checks are to 7510  
be conducted; 7511

(c) If the rules specify other databases to be checked as 7512  
part of the database reviews, the circumstances under which a home 7513

health agency is prohibited from ~~employing~~ hiring an applicant or 7514  
~~continuing to employ~~ retaining an employee who is found by a 7515  
database review to be included in one or more of those databases; 7516

(d) Circumstances under which a home health agency may ~~employ~~ 7517  
hire an applicant or retain an employee who is found by a criminal 7518  
records check required by this section to have been convicted of, 7519  
or pleaded guilty to, ~~or been found eligible for intervention in~~ 7520  
~~lieu of conviction for~~ a disqualifying offense but meets personal 7521  
character standards. 7522

**Sec. 3702.511.** (A) Except as provided in division (B) of this 7523  
section, the following activities are reviewable under sections 7524  
3702.51 to 3702.62 of the Revised Code: 7525

(1) Establishment, development, or construction of a new 7526  
long-term care facility; 7527

(2) Replacement of an existing long-term care facility; 7528

(3) Renovation of or addition to a long-term care facility 7529  
that involves a capital expenditure of two million dollars or 7530  
more, not including expenditures for equipment, staffing, or 7531  
operational costs; 7532

(4) ~~Either of the following changes in long term care bed~~ 7533  
~~capacity:~~ 7534

~~(a)~~ An increase in long-term care bed capacity; 7535

~~(b)~~(5) A relocation of long-term care beds from one physical 7536  
facility or site to another, excluding relocation of beds within a 7537  
long-term care facility or among buildings of a long-term care 7538  
facility at the same site. 7539

~~(5) Any change in the bed capacity or site, or any other~~ 7540  
~~failure to conduct a reviewable activity in substantial accordance~~ 7541  
~~with the approved application for which a certificate of need~~ 7542  
~~concerning long term care beds was granted, if the change is made~~ 7543

~~within five years after the implementation of the reviewable activity for which the certificate was granted;~~ 7544  
7545

(6) Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds. 7546  
7547  
7548

(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code: 7549  
7550

(1) Acquisition of computer hardware or software; 7551

(2) Acquisition of a telephone system; 7552

(3) Construction or acquisition of parking facilities; 7553

(4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations; 7554  
7555  
7556  
7557

(5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds; 7558  
7559

(6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds; 7560  
7561  
7562

(7) Construction, repair, or renovation of bathroom facilities; 7563  
7564

(8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services; 7565  
7566  
7567  
7568

(9) Removal of asbestos from a health care facility. 7569

Only that portion of a project that is described in this division is not reviewable. 7570  
7571

**Sec. 3702.52.** The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in that time, the project shall be considered to have been ruled not a reviewable activity.

(B)(1) Each application for a certificate of need shall be submitted to the director on forms and in the manner prescribed by the director. Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether

an application is complete. The director shall not consider an 7603  
application to be complete unless the application meets all 7604  
criteria for a complete application specified in rules adopted 7605  
under section 3702.57 of the Revised Code. The director shall mail 7606  
to the applicant a written notice that the application is 7607  
complete, or a written request for additional information, not 7608  
later than thirty days after receiving an application or a 7609  
response to an earlier request for information. Except as provided 7610  
in section 3702.522 of the Revised Code, the director shall not 7611  
make more than two requests for additional information. The 7612  
director's determination that an application is not complete is 7613  
final and not subject to appeal. 7614

(4) Except as necessary to comply with a subpoena issued 7615  
under division (F) of this section, after a notice of completeness 7616  
has been received, no person shall make revisions to information 7617  
that was submitted to the director before the director mailed the 7618  
notice of completeness or knowingly discuss in person or by 7619  
telephone the merits of the application with the director. A 7620  
person may supplement an application after a notice of 7621  
completeness has been received by submitting clarifying 7622  
information to the director. 7623

(C) All of the following apply to the process of granting or 7624  
denying a certificate of need: 7625

(1) If the project proposed in a certificate of need 7626  
application meets all of the applicable certificate of need 7627  
criteria for approval under sections 3702.51 to 3702.62 of the 7628  
Revised Code and the rules adopted under those sections, the 7629  
director shall grant a certificate of need for all or part of the 7630  
project that is the subject of the application by the applicable 7631  
deadline specified in division (C)(4) of this section or any 7632  
extension of it under division (C)(5) of this section. 7633

(2) The director's grant of a certificate of need does not 7634

affect, and sets no precedent for, the director's decision to 7635  
grant or deny other applications for similar reviewable 7636  
activities. 7637

(3) Any affected person may submit written comments regarding 7638  
an application. The director shall consider all written comments 7639  
received by the ~~thirtieth~~ forty-fifth day after ~~mailing the notice~~ 7640  
~~of completeness or, in the case of applications under comparative~~ 7641  
~~review, by the thirtieth day after~~ the application is submitted to 7642  
the director ~~mails the last notice of completeness.~~ 7643

(4) Except as provided in division (C)(5) of this section, 7644  
the director shall grant or deny certificate of need applications 7645  
not later than sixty days after mailing the notice of 7646  
completeness. 7647

(5) Except as otherwise provided in division (C)(6) of this 7648  
section, the director or the applicant may extend the deadline 7649  
prescribed in division (C)(4) of this section once, for no longer 7650  
than thirty days, by written notice before the end of the deadline 7651  
prescribed by division (C)(4) of this section. An extension by the 7652  
director under division (C)(5) of this section shall apply to all 7653  
applications that are in comparative review. 7654

(6) No applicant in a comparative review may extend the 7655  
deadline specified in division (C)(4) of this section. 7656

(7) If the director does not grant or deny the certificate by 7657  
the applicable deadline specified in division (C)(4) of this 7658  
section or any extension of it under division (C)(5) of this 7659  
section, the certificate shall be considered to have been granted. 7660

(8) In granting a certificate of need, the director shall 7661  
specify as the maximum capital expenditure the certificate holder 7662  
may obligate under the certificate a figure equal to one hundred 7663  
ten per cent of the approved project cost. 7664

(9) In granting a certificate of need, the director may grant 7665

the certificate with conditions that must be met by the holder of 7666  
the certificate. 7667

(D) When a certificate of need is granted for a project under 7668  
which beds are to be relocated, upon completion of the project for 7669  
which the certificate of need was granted a number of beds equal 7670  
to the number of beds relocated shall cease to be operated in the 7671  
long-term care facility from which they are relocated, except that 7672  
the beds may continue to be operated for not more than fifteen 7673  
days to allow relocation of residents to the facility to which the 7674  
beds have been relocated. Notwithstanding section 3721.03 of the 7675  
Revised Code, if the relocated beds are in a home licensed under 7676  
Chapter 3721. of the Revised Code, the facility's license is 7677  
automatically reduced by the number of beds relocated effective 7678  
fifteen days after the beds are relocated. If the beds are in a 7679  
facility that is certified as a skilled nursing facility or 7680  
nursing facility under Title XVIII or XIX of the "Social Security 7681  
Act," the certification for the beds shall be surrendered. If the 7682  
beds are registered under section 3701.07 of the Revised Code as 7683  
skilled nursing beds or long-term care beds, the director shall 7684  
remove the beds from registration not later than fifteen days 7685  
after the beds are relocated. 7686

(E) ~~The director shall monitor the activities of persons~~ 7687  
~~granted certificates of need during~~ During the period beginning 7688  
with the granting of ~~the~~ a certificate of need and ending five 7689  
years after implementation of the reviewable activity for which 7690  
the certificate was granted, the director shall monitor the 7691  
activities of the person granted the certificate to determine 7692  
whether the reviewable activity is conducted in substantial 7693  
accordance with the certificate. No reviewable activity shall be 7694  
determined to be not in substantial accordance with the 7695  
certificate of need due to a decrease in bed capacity. 7696

(F) When reviewing applications for certificates of need, 7697



considering appeals under section 3702.60 of the Revised Code, or 7698  
monitoring activities of persons granted certificates of need, the 7699  
director may issue and enforce, in the manner provided in section 7700  
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 7701  
compel a person to testify and produce documents relevant to 7702  
review of the application, consideration of the appeal, or 7703  
monitoring of the activities. In addition, the director or the 7704  
director's designee may visit the sites where the activities are 7705  
or will be conducted. 7706

(G) The director may withdraw certificates of need. 7707

(H) All long-term care facilities shall submit to the 7708  
director, upon request, any information prescribed by rules 7709  
adopted under division (H) of section 3702.57 of the Revised Code 7710  
that is necessary to conduct reviews of certificate of need 7711  
applications and to develop criteria for reviews. 7712

(I) Any decision to grant or deny a certificate of need shall 7713  
consider the special needs and circumstances resulting from moral 7714  
and ethical values and the free exercise of religious rights of 7715  
long-term care facilities administered by religious organizations, 7716  
and the special needs and circumstances of inner city and rural 7717  
communities. 7718

**Sec. 3702.526.** (A) Except as provided in division (B) of this 7719  
section, the director of health shall accept an application for a 7720  
replacement certificate of need for an activity described in 7721  
division (A)~~(5)~~ of section 3702.511 of the Revised Code to replace 7722  
an approved certificate of need ~~for that activity~~ if all of the 7723  
following conditions are met: 7724

(1) The applicant requests the replacement certificate of 7725  
need so that the reviewable activity for which the approved 7726  
certificate of need was granted can be implemented in a manner 7727  
that is not in substantial accordance with the approved 7728

certificate of need. 7729

(2) The applicant is the same as the applicant for the 7730  
approved certificate of need or an affiliated or related person as 7731  
described in division (B) of section 3702.523 of the Revised Code. 7732

~~(2)~~(3) The source of any long-term care beds to be relocated 7733  
is the same as in the approved certificate of need. 7734

~~(3)~~(4) The application for the approved certificate of need 7735  
was not subject to comparative review under section 3702.593 of 7736  
the Revised Code. 7737

(B) The director shall not accept an application for a 7738  
replacement certificate that proposes to increase the number of 7739  
long-term care beds to be relocated specified in the application 7740  
for the approved certificate of need. 7741

(C) For the purpose of determining whether long-term care 7742  
beds are from an existing long-term care facility, the director 7743  
shall consider the date of filing of the application for a 7744  
replacement certificate to be the same as the date of filing of 7745  
the original application for the approved certificate of need. 7746

(D) Any long-term care beds that were ~~approved~~ proposed to be 7747  
relocated in the approved certificate of need remain ~~approved~~ 7748  
eligible to be recategorized as a different category of long-term 7749  
care beds in the application for a replacement certificate. 7750

(E) The applicant shall submit with the application for a 7751  
replacement certificate a nonrefundable fee equal to the 7752  
application fee for the approved certificate of need. 7753

(F) The director shall review, approve, or deny the 7754  
application for the replacement certificate in the same manner as 7755  
the application for the approved certificate of need. 7756

(G) Upon approval of the application for a replacement 7757  
certificate, the original certificate of need is automatically 7758

voided. 7759

**Sec. 3702.71.** As used in sections 3702.71 to 3702.81 of the 7760  
Revised Code: 7761

(A) "Full-time practice" means working a minimum of forty 7762  
hours per week for a minimum of forty-five weeks each service 7763  
year. 7764

(B) "Part-time practice" means working a minimum of twenty 7765  
and a maximum of thirty-nine hours per week for a minimum of 7766  
forty-five weeks per service year. 7767

(C) "Primary care physician" means an individual who is 7768  
authorized under Chapter 4731. of the Revised Code to practice 7769  
medicine and surgery or osteopathic medicine and surgery and is 7770  
board certified or board eligible in a primary care specialty. 7771

~~(B)~~(D) "Primary care service" means professional 7772  
comprehensive personal health services, which may include health 7773  
education and disease prevention, treatment of uncomplicated 7774  
health problems, diagnosis of chronic health problems, overall 7775  
management of health care services for an individual or a family, 7776  
and the services of a psychiatrist. "Primary care service" also 7777  
includes providing the initial contact for health care services 7778  
~~and~~, making referrals for secondary and tertiary care and for 7779  
continuity of health care services, and teaching activities to the 7780  
extent specified in a contract entered into pursuant to section 7781  
3702.74 of the Revised Code. 7782

~~(C)~~(E) "Primary care specialty" means general internal 7783  
medicine, pediatrics, adolescent medicine, obstetrics and 7784  
gynecology, psychiatry, child and adolescent psychiatry, geriatric 7785  
psychiatry, combined internal medicine and pediatrics, geriatrics, 7786  
or family practice. 7787

**Sec. 3702.74.** (A) A primary care physician who has signed a 7788

letter of intent under section 3702.73 of the Revised Code and the 7789  
director of health may enter into a contract for the physician's 7790  
participation in the physician loan repayment program. The 7791  
physician's employer or other funding source may also be a party 7792  
to the contract. 7793

(B) The contract shall include all of the following 7794  
obligations: 7795

(1) The primary care physician agrees to provide primary care 7796  
services in the health resource shortage area identified in the 7797  
letter of intent for ~~at least two years~~ the number of hours and 7798  
duration specified in the contract; 7799

(2) When providing primary care services in the health 7800  
resource shortage area, the primary care physician agrees to do 7801  
all of the following: 7802

(a) Provide primary care services ~~for a minimum of forty~~ 7803  
~~hours per week, of which at least twenty one hours will be spent~~ 7804  
~~providing patient care~~ in an outpatient or ambulatory setting 7805  
approved by the department of health; 7806

(b) Provide primary care services without regard to a 7807  
patient's ability to pay; 7808

(c) Meet the requirements for a medicaid provider agreement 7809  
and enter into the agreement with the department of medicaid to 7810  
provide primary care services to medicaid recipients. 7811

(3) The department of health agrees, as provided in section 7812  
3702.75 of the Revised Code, to repay, so long as the primary care 7813  
physician performs the service obligation agreed to under division 7814  
(B)(1) of this section, all or part of the principal and interest 7815  
of a government or other educational loan taken by the primary 7816  
care physician for expenses described in section 3702.75 of the 7817  
Revised Code; 7818

(4) The primary care physician agrees to pay the department 7819  
of health an amount established by rules adopted under section 7820  
3702.79 of the Revised Code if the physician fails to complete the 7821  
service obligation agreed to under division (B)(1) of this 7822  
section. 7823

(C) The contract ~~may include any other terms agreed upon by~~ 7824  
~~the parties~~ shall include the following terms as agreed upon by 7825  
the parties: 7826

(1) The primary care physician's required length of service 7827  
in the health resource shortage area, which must be at least two 7828  
years; 7829

(2) The number of weekly hours the primary care physician 7830  
will be engaged in full-time practice or part-time practice in the 7831  
health resource shortage area; 7832

(3) The maximum amount that the department will repay on 7833  
behalf of the primary care physician; 7834

(4) The extent to which the primary care physician's teaching 7835  
activities in the health resource shortage area will be counted 7836  
toward the physician's full-time practice or part-time practice 7837  
hours under the contract. 7838

**Sec. 3702.75.** There is hereby created the physician loan 7839  
repayment program. Under the program, the department of health, by 7840  
means of a contract provision under division (B)(3) of section 7841  
3702.74 of the Revised Code, may agree to repay all or part of the 7842  
principal and interest of a government or other educational loan 7843  
taken by a primary care physician for the following expenses, so 7844  
long as the expenses were incurred while the physician was 7845  
enrolled in, for up to a maximum of four years, a medical school 7846  
or osteopathic medical school in the United States that was, 7847  
during the time enrolled, accredited by the liaison committee on 7848

medical education or the American osteopathic association, or a 7849  
medical school or osteopathic medical school located outside the 7850  
United States that was, during the time enrolled, acknowledged by 7851  
the world health organization and verified by a member state of 7852  
that organization as operating within the state's jurisdiction: 7853

(A) Tuition; 7854

(B) Other educational expenses, such as fees, books, and 7855  
laboratory expenses, for specific purposes and in amounts 7856  
determined to be reasonable by the director of health; 7857

(C) Room and board, in an amount determined reasonable by the 7858  
director of health. 7859

~~In the first and second years, no repayment shall exceed 7860  
twenty five thousand dollars in each year. In the third and fourth 7861  
years, no repayment shall exceed thirty five thousand dollars in 7862  
each year. If, however, a repayment results in an increase in the 7863  
primary care physician's federal, state, or local income tax 7864  
liability, at the physician's request, the department may 7865  
reimburse the physician for the increased tax liability, 7866  
regardless of the amount of the repayment made to the physician in 7867  
that year. 7868~~

~~Not later than the thirty first day of January each year, the 7869  
department shall mail to each physician to whom or on whose behalf 7870  
repayment is made under this section a statement showing the 7871  
amount repaid by the department pursuant to the contract in the 7872  
preceding year. The statement shall be sent by ordinary mail with 7873  
address correction and forwarding requested in the manner 7874  
prescribed by the United States postal service. 7875~~

**Sec. 3702.91.** (A) As used in this section, "full-time 7876  
practice" and "part-time practice" have the same meanings as in 7877  
section 3702.71 of the Revised Code. 7878

(B) An individual who has signed a letter of intent under 7879  
section 3702.90 of the Revised Code may enter into a contract with 7880  
the director of health for participation in the dentist loan 7881  
repayment program. The dentist's employer or other funding source 7882  
may also be a party to the contract. 7883

~~(B)~~(C) The contract shall include all of the following 7884  
obligations: 7885

(1) The individual agrees to provide dental services in the 7886  
dental health resource shortage area identified in the letter of 7887  
intent for ~~at least two years~~ the number of hours and duration 7888  
specified in the contract. 7889

(2) When providing dental services in the dental health 7890  
resource shortage area, the individual agrees to do all of the 7891  
following: 7892

(a) Provide dental services ~~for a minimum of forty hours per~~ 7893  
~~week~~ in a service site approved by the department of health; 7894

(b) Provide dental services without regard to a patient's 7895  
ability to pay; 7896

(c) Meet the requirements for a medicaid provider agreement 7897  
and enter into the agreement with the department of medicaid to 7898  
provide dental services to medicaid recipients. 7899

(3) The department of health agrees, as provided in section 7900  
3702.85 of the Revised Code, to repay, so long as the individual 7901  
performs the service obligation agreed to under division ~~(B)~~(C)(1) 7902  
of this section, all or part of the principal and interest of a 7903  
government or other educational loan taken by the individual for 7904  
expenses described in section 3702.85 of the Revised Code. 7905

(4) The individual agrees to pay the department of health an 7906  
amount established by rules adopted under section 3702.86 of the 7907  
Revised Code, if the individual fails to complete the service 7908

obligation agreed to under division ~~(B)~~(C)(1) of this section. 7909

~~(C)~~(D) The contract ~~may~~ shall include ~~any other~~ the following 7910  
terms as agreed upon by the parties; 7911

(1) The individual's required length of service in the dental 7912  
health resource shortage area, which must be at least two years; 7913

(2) The number of weekly hours the individual will be engaged 7914  
in full-time practice or part-time practice; 7915

(3) The maximum amount that the department will repay on 7916  
behalf of the individual; 7917

(4) The extent to which the individual's teaching activities 7918  
in the dental health resource shortage area will be counted toward 7919  
the individual's full-time practice or part-time practice hours 7920  
under the contract. 7921

~~(D) Not later than the thirty first day of January of each~~ 7922  
~~year, the department of health shall mail to each individual to~~ 7923  
~~whom or on whose behalf repayment is made under the dentist loan~~ 7924  
~~repayment program a statement showing the amount of principal and~~ 7925  
~~interest repaid by the department pursuant to the contract in the~~ 7926  
~~preceding year. The statement shall be sent by ordinary mail with~~ 7927  
~~address correction and forwarding requested in the manner~~ 7928  
~~prescribed by the United States postal service.~~ 7929

**Sec. 3702.95.** The director of health may accept gifts of 7930  
money from any source for the implementation and administration of 7931  
sections 3702.85 to ~~3702.93~~ 3702.92 of the Revised Code. 7932

The director shall pay all gifts accepted under this section 7933  
into the state treasury, to the credit of the dental health 7934  
resource shortage area fund, which is hereby created, and all 7935  
damages collected under division ~~(B)~~(C)(4) of section 3702.91 of 7936  
the Revised Code, into the state treasury, to the credit of the 7937  
dentist loan repayment fund, which is hereby created. 7938



The director shall use the dental health resource shortage 7939  
area and dentist loan repayment funds for the implementation and 7940  
administration of sections 3702.85 to 3702.95 of the Revised Code. 7941

Sec. 3721.122. Before an individual is admitted as a resident 7942  
to a home, the home's administrator shall search for the 7943  
individual's name in the internet-based sex offender and 7944  
child-victim offender database established under division (A)(11) 7945  
of section 2950.13 of the Revised Code. If the search results 7946  
identify the individual as a sex offender and the individual is 7947  
admitted as a resident to the home, the administrator shall 7948  
provide for the home to do all of the following: 7949

(A) Develop a plan of care to protect the other residents' 7950  
rights to a safe environment and to be free from abuse; 7951

(B) Notify all of the home's other residents and their 7952  
sponsors that a sex offender has been admitted as a resident to 7953  
the home and include in the notice a description of the plan of 7954  
care developed under division (A) of this section; 7955

(C) Direct the individual in updating the individual's 7956  
address under section 2950.05 of the Revised Code and, if the 7957  
individual is unable to do so without assistance, provide the 7958  
assistance the individual needs to update the individual's address 7959  
under that section. 7960

**Sec. 3730.09.** (A) Each operator of a business that offers 7961  
tattooing or body piercing services shall do all of the following: 7962

(1) Maintain procedures for ensuring that the individuals who 7963  
perform tattooing or body piercing procedures are adequately 7964  
trained to perform the procedures properly; 7965

(2) With respect to tattooing services, maintain written 7966  
records that include the color, manufacturer, and lot number of 7967  
each pigment used for each tattoo performed; 7968

(3) Comply with the safety and sanitation requirements for preventing transmission of infectious diseases, as established in rules adopted under section 3730.10 of the Revised Code;

(4) ~~Require the individuals who perform tattooing and body piercing procedures to disinfect and sterilize~~ Ensure that all invasive equipment or parts of equipment used in performing ~~the tattooing and body piercing procedures are~~ disinfected and sterilized by using methods that meet the disinfection and sterilization requirements established in rules adopted under section 3730.10 of the Revised Code;

(5) Ensure that weekly tests of the business's heat sterilization devices are performed to determine whether the devices are functioning properly. In having the devices tested, the operator of the business shall use a biological monitoring system that indicates whether the devices are killing microorganisms. If a test indicates that a device is not functioning properly, the operator shall take immediate remedial action to ensure that heat sterilization is being accomplished. The operator shall maintain documentation that the weekly tests are being performed. To comply with the documentation requirement, the documents must consist of a log that indicates the date on which each test is performed and the name of the person who performed the test or, if a test was conducted by an independent testing entity, a copy of the entity's testing report. The operator shall maintain records of each test performed for at least two years.

(B) Each operator of a business that offers ear piercing services performed with an ear piercing gun shall require the individuals who perform the ear piercing services to disinfect and sterilize the ear piercing gun by using chemical solutions that meet the disinfection and sterilization requirements established in rules adopted under section 3730.10 of the Revised Code.

**Sec. 3737.02.** (A) The fire marshal may collect fees to cover 8001  
the costs of performing inspections and other duties that the fire 8002  
marshal is authorized or required by law to perform. Except as 8003  
provided in division (B) of this section, all fees collected by 8004  
the fire marshal shall be deposited to the credit of the fire 8005  
marshal's fund. 8006

(B)(1) All of the following shall be credited to the 8007  
underground storage tank administration fund, which is hereby 8008  
created in the state treasury: 8009

~~(1)(a)~~ Fees collected under sections 3737.88 and 3737.881 of 8010  
the Revised Code for operation of the underground storage tank and 8011  
underground storage tank installer certification programs; 8012

~~(2)(b)~~ Moneys recovered under section 3737.89 of the Revised 8013  
Code for the state's costs of undertaking corrective or 8014  
enforcement actions under that section or section 3737.882 of the 8015  
Revised Code; 8016

~~(3)(c)~~ Fines and penalties collected under section 3737.882 8017  
of the Revised Code; 8018

~~(4)~~ Amounts repaid for underground storage tank revolving 8019  
loans under section 3737.883 and other moneys, including 8020  
corrective action enforcement case settlements or bankruptcy case 8021  
awards or settlements, received by the fire marshal under sections 8022  
3737.88 to 3737.89 of the Revised Code. 8023

~~(C)(2)~~ All interest earned on moneys credited to the 8024  
underground storage tank administration fund shall be credited to 8025  
the fund. Moneys credited to the underground storage tank 8026  
administration fund shall be used by the fire marshal for 8027  
implementation and enforcement of underground storage tank, 8028  
corrective action, and installer certification programs under 8029  
sections 3737.88 to 3737.89 of the Revised Code. ~~Only moneys~~ 8030

~~described in divisions (B)(3) and (4) of this section may be used 8031  
by the fire marshal to make underground storage tank revolving 8032  
loans under section 3737.883 of the Revised Code, and no other 8033  
moneys may be used to make those loans. 8034~~

(D)(C) There is hereby created in the state treasury the 8035  
underground storage tank revolving loan fund. The fund shall 8036  
consist of amounts repaid for underground storage tank revolving 8037  
loans under section 3737.883 of the Revised Code and moneys 8038  
described in division (B)(1)(c) of this section that are allocated 8039  
to the fund in accordance with division (D)(1) of this section. 8040  
Moneys in the fund shall be used by the fire marshal to make 8041  
underground storage tank revolving loans under section 3737.883 of 8042  
the Revised Code. 8043

(D)(1) If the director of commerce determines that the cash 8044  
balance in the underground storage tank administration fund is in 8045  
excess of the amount needed for implementation and enforcement of 8046  
the underground storage tank, corrective action, and installer 8047  
certification programs under sections 3737.88 to 3737.89 of the 8048  
Revised Code, the director may certify the excess amount to the 8049  
director of budget and management. Upon certification, the 8050  
director of budget and management may transfer from the 8051  
underground storage tank administration fund to the underground 8052  
storage tank revolving loan fund any amount up to, but not 8053  
exceeding, the amount certified by the director of commerce, 8054  
provided the amount transferred consists only of moneys described 8055  
in division (B)(1)(c) of this section. 8056

(2) If the director of commerce determines that the cash 8057  
balance in the underground storage tank administration fund is 8058  
insufficient to implement and enforce the underground storage 8059  
tank, corrective action, and installer certification programs 8060  
under sections 3737.88 to 3737.89 of the Revised Code, the 8061  
director may certify the amount needed to the director of budget 8062

and management. Upon certification, the director of budget and 8063  
management may transfer from the underground storage tank 8064  
revolving loan fund to the underground storage tank administration 8065  
fund any amount up to, but not exceeding, the amount certified by 8066  
the director of commerce. 8067

(E) The fire marshal shall take all actions necessary to 8068  
obtain any federal funding available to carry out the fire 8069  
marshal's responsibilities under sections 3737.88 to 3737.89 of 8070  
the Revised Code and federal laws regarding the cleaning up of 8071  
releases of petroleum, as "release" is defined in section 3737.87 8072  
of the Revised Code, including, without limitation, any federal 8073  
funds that are available to reimburse the state for the costs of 8074  
undertaking corrective actions for such releases of petroleum. The 8075  
state may, when appropriate, return to the United States any 8076  
federal funds recovered under sections 3737.882 and 3737.89 of the 8077  
Revised Code. 8078

**Sec. 4141.01.** As used in this chapter, unless the context 8079  
otherwise requires: 8080

(A)(1) "Employer" means the state, its instrumentalities, its 8081  
political subdivisions and their instrumentalities, Indian tribes, 8082  
and any individual or type of organization including any 8083  
partnership, limited liability company, association, trust, 8084  
estate, joint-stock company, insurance company, or corporation, 8085  
whether domestic or foreign, or the receiver, trustee in 8086  
bankruptcy, trustee, or the successor thereof, or the legal 8087  
representative of a deceased person who subsequent to December 31, 8088  
1971, or in the case of political subdivisions or their 8089  
instrumentalities, subsequent to December 31, 1973: 8090

(a) Had in employment at least one individual, or in the case 8091  
of a nonprofit organization, subsequent to December 31, 1973, had 8092  
not less than four individuals in employment for some portion of a 8093

day in each of twenty different calendar weeks, in either the 8094  
current or the preceding calendar year whether or not the same 8095  
individual was in employment in each such day; or 8096

(b) Except for a nonprofit organization, had paid for service 8097  
in employment wages of fifteen hundred dollars or more in any 8098  
calendar quarter in either the current or preceding calendar year; 8099  
or 8100

(c) Had paid, subsequent to December 31, 1977, for employment 8101  
in domestic service in a local college club, or local chapter of a 8102  
college fraternity or sorority, cash remuneration of one thousand 8103  
dollars or more in any calendar quarter in the current calendar 8104  
year or the preceding calendar year, or had paid subsequent to 8105  
December 31, 1977, for employment in domestic service in a private 8106  
home cash remuneration of one thousand dollars in any calendar 8107  
quarter in the current calendar year or the preceding calendar 8108  
year: 8109

(i) For the purposes of divisions (A)(1)(a) and (b) of this 8110  
section, there shall not be taken into account any wages paid to, 8111  
or employment of, an individual performing domestic service as 8112  
described in this division. 8113

(ii) An employer under this division shall not be an employer 8114  
with respect to wages paid for any services other than domestic 8115  
service unless the employer is also found to be an employer under 8116  
division (A)(1)(a), (b), or (d) of this section. 8117

(d) As a farm operator or a crew leader subsequent to 8118  
December 31, 1977, had in employment individuals in agricultural 8119  
labor; and 8120

(i) During any calendar quarter in the current calendar year 8121  
or the preceding calendar year, paid cash remuneration of twenty 8122  
thousand dollars or more for the agricultural labor; or 8123

(ii) Had at least ten individuals in employment in 8124

agricultural labor, not including agricultural workers who are 8125  
aliens admitted to the United States to perform agricultural labor 8126  
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 8127  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 8128  
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 8129  
of the twenty different calendar weeks, in either the current or 8130  
preceding calendar year whether or not the same individual was in 8131  
employment in each day; or 8132

(e) Is not otherwise an employer as defined under division 8133  
(A)(1)(a) or (b) of this section; and 8134

(i) For which, within either the current or preceding 8135  
calendar year, service, except for domestic service in a private 8136  
home not covered under division (A)(1)(c) of this section, is or 8137  
was performed with respect to which such employer is liable for 8138  
any federal tax against which credit may be taken for 8139  
contributions required to be paid into a state unemployment fund; 8140

(ii) Which, as a condition for approval of this chapter for 8141  
full tax credit against the tax imposed by the "Federal 8142  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 8143  
required, pursuant to such act to be an employer under this 8144  
chapter; or 8145

(iii) Who became an employer by election under division 8146  
(A)(4) or (5) of this section and for the duration of such 8147  
election; or 8148

(f) In the case of the state, its instrumentalities, its 8149  
political subdivisions, and their instrumentalities, and Indian 8150  
tribes, had in employment, as defined in divisions (B)(2)(a) and 8151  
(B)(2)(1) of this section, at least one individual; 8152

(g) For the purposes of division (A)(1)(a) of this section, 8153  
if any week includes both the thirty-first day of December and the 8154  
first day of January, the days of that week before the first day 8155

of January shall be considered one calendar week and the days 8156  
beginning the first day of January another week. 8157

(2) Each individual employed to perform or to assist in 8158  
performing the work of any agent or employee of an employer is 8159  
employed by such employer for all the purposes of this chapter, 8160  
whether such individual was hired or paid directly by such 8161  
employer or by such agent or employee, provided the employer had 8162  
actual or constructive knowledge of the work. All individuals 8163  
performing services for an employer of any person in this state 8164  
who maintains two or more establishments within this state are 8165  
employed by a single employer for the purposes of this chapter. 8166

(3) An employer subject to this chapter within any calendar 8167  
year is subject to this chapter during the whole of such year and 8168  
during the next succeeding calendar year. 8169

(4) An employer not otherwise subject to this chapter who 8170  
files with the director of job and family services a written 8171  
election to become an employer subject to this chapter for not 8172  
less than two calendar years shall, with the written approval of 8173  
such election by the director, become an employer subject to this 8174  
chapter to the same extent as all other employers as of the date 8175  
stated in such approval, and shall cease to be subject to this 8176  
chapter as of the first day of January of any calendar year 8177  
subsequent to such two calendar years only if at least thirty days 8178  
prior to such first day of January the employer has filed with the 8179  
director a written notice to that effect. 8180

(5) Any employer for whom services that do not constitute 8181  
employment are performed may file with the director a written 8182  
election that all such services performed by individuals in the 8183  
employer's employ in one or more distinct establishments or places 8184  
of business shall be deemed to constitute employment for all the 8185  
purposes of this chapter, for not less than two calendar years. 8186  
Upon written approval of the election by the director, such 8187



services shall be deemed to constitute employment subject to this 8188  
chapter from and after the date stated in such approval. Such 8189  
services shall cease to be employment subject to this chapter as 8190  
of the first day of January of any calendar year subsequent to 8191  
such two calendar years only if at least thirty days prior to such 8192  
first day of January such employer has filed with the director a 8193  
written notice to that effect. 8194

(B)(1) "Employment" means service performed by an individual 8195  
for remuneration under any contract of hire, written or oral, 8196  
express or implied, including service performed in interstate 8197  
commerce and service performed by an officer of a corporation, 8198  
without regard to whether such service is executive, managerial, 8199  
or manual in nature, and without regard to whether such officer is 8200  
a stockholder or a member of the board of directors of the 8201  
corporation, unless it is shown to the satisfaction of the 8202  
director that such individual has been and will continue to be 8203  
free from direction or control over the performance of such 8204  
service, both under a contract of service and in fact. The 8205  
director shall adopt rules to define "direction or control." 8206

(2) "Employment" includes: 8207

(a) Service performed after December 31, 1977, by an 8208  
individual in the employ of the state or any of its 8209  
instrumentalities, or any political subdivision thereof or any of 8210  
its instrumentalities or any instrumentality of more than one of 8211  
the foregoing or any instrumentality of any of the foregoing and 8212  
one or more other states or political subdivisions and without 8213  
regard to divisions (A)(1)(a) and (b) of this section, provided 8214  
that such service is excluded from employment as defined in the 8215  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 8216  
3306(c)(7) and is not excluded under division (B)(3) of this 8217  
section; or the services of employees covered by voluntary 8218  
election, as provided under divisions (A)(4) and (5) of this 8219

section; 8220

(b) Service performed after December 31, 1971, by an 8221  
individual in the employ of a religious, charitable, educational, 8222  
or other organization which is excluded from the term "employment" 8223  
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 8224  
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 8225  
3306(c)(8) of that act and is not excluded under division (B)(3) 8226  
of this section; 8227

(c) Domestic service performed after December 31, 1977, for 8228  
an employer, as provided in division (A)(1)(c) of this section; 8229

(d) Agricultural labor performed after December 31, 1977, for 8230  
a farm operator or a crew leader, as provided in division 8231  
(A)(1)(d) of this section; 8232

(e) Service not covered under division (B)(1) of this section 8233  
which is performed after December 31, 1971: 8234

(i) As an agent-driver or commission-driver engaged in 8235  
distributing meat products, vegetable products, fruit products, 8236  
bakery products, beverages other than milk, laundry, or 8237  
dry-cleaning services, for the individual's employer or principal; 8238

(ii) As a traveling or city salesperson, other than as an 8239  
agent-driver or commission-driver, engaged on a full-time basis in 8240  
the solicitation on behalf of and in the transmission to the 8241  
salesperson's employer or principal except for sideline sales 8242  
activities on behalf of some other person of orders from 8243  
wholesalers, retailers, contractors, or operators of hotels, 8244  
restaurants, or other similar establishments for merchandise for 8245  
resale, or supplies for use in their business operations, provided 8246  
that for the purposes of division (B)(2)(e)(ii) of this section, 8247  
the services shall be deemed employment if the contract of service 8248  
contemplates that substantially all of the services are to be 8249  
performed personally by the individual and that the individual 8250

does not have a substantial investment in facilities used in 8251  
connection with the performance of the services other than in 8252  
facilities for transportation, and the services are not in the 8253  
nature of a single transaction that is not a part of a continuing 8254  
relationship with the person for whom the services are performed. 8255

(f) An individual's entire service performed within or both 8256  
within and without the state if: 8257

(i) The service is localized in this state. 8258

(ii) The service is not localized in any state, but some of 8259  
the service is performed in this state and either the base of 8260  
operations, or if there is no base of operations then the place 8261  
from which such service is directed or controlled, is in this 8262  
state or the base of operations or place from which such service 8263  
is directed or controlled is not in any state in which some part 8264  
of the service is performed but the individual's residence is in 8265  
this state. 8266

(g) Service not covered under division (B)(2)(f)(ii) of this 8267  
section and performed entirely without this state, with respect to 8268  
no part of which contributions are required and paid under an 8269  
unemployment compensation law of any other state, the Virgin 8270  
Islands, Canada, or of the United States, if the individual 8271  
performing such service is a resident of this state and the 8272  
director approves the election of the employer for whom such 8273  
services are performed; or, if the individual is not a resident of 8274  
this state but the place from which the service is directed or 8275  
controlled is in this state, the entire services of such 8276  
individual shall be deemed to be employment subject to this 8277  
chapter, provided service is deemed to be localized within this 8278  
state if the service is performed entirely within this state or if 8279  
the service is performed both within and without this state but 8280  
the service performed without this state is incidental to the 8281  
individual's service within the state, for example, is temporary 8282

or transitory in nature or consists of isolated transactions; 8283

(h) Service of an individual who is a citizen of the United 8284  
States, performed outside the United States except in Canada after 8285  
December 31, 1971, or the Virgin Islands, after December 31, 1971, 8286  
and before the first day of January of the year following that in 8287  
which the United States secretary of labor approves the Virgin 8288  
Islands law for the first time, in the employ of an American 8289  
employer, other than service which is "employment" under divisions 8290  
(B)(2)(f) and (g) of this section or similar provisions of another 8291  
state's law, if: 8292

(i) The employer's principal place of business in the United 8293  
States is located in this state; 8294

(ii) The employer has no place of business in the United 8295  
States, but the employer is an individual who is a resident of 8296  
this state; or the employer is a corporation which is organized 8297  
under the laws of this state, or the employer is a partnership or 8298  
a trust and the number of partners or trustees who are residents 8299  
of this state is greater than the number who are residents of any 8300  
other state; or 8301

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 8302  
of this section is met but the employer has elected coverage in 8303  
this state or the employer having failed to elect coverage in any 8304  
state, the individual has filed a claim for benefits, based on 8305  
such service, under this chapter. 8306

(i) For the purposes of division (B)(2)(h) of this section, 8307  
the term "American employer" means an employer who is an 8308  
individual who is a resident of the United States; or a 8309  
partnership, if two-thirds or more of the partners are residents 8310  
of the United States; or a trust, if all of the trustees are 8311  
residents of the United States; or a corporation organized under 8312  
the laws of the United States or of any state, provided the term 8313

"United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(j) Notwithstanding any other provisions of divisions (B)(1) and (2) of this section, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, which, as a condition for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be covered under this chapter.

(k) Construction services performed by any individual under a construction contract, as defined in section 4141.39 of the Revised Code, if the director determines that the employer for whom services are performed has the right to direct or control the performance of the services and that the individuals who perform the services receive remuneration for the services performed. The director shall presume that the employer for whom services are performed has the right to direct or control the performance of the services if ten or more of the following criteria apply:

(i) The employer directs or controls the manner or method by which instructions are given to the individual performing services;

(ii) The employer requires particular training for the individual performing services;

(iii) Services performed by the individual are integrated into the regular functioning of the employer;

(iv) The employer requires that services be provided by a particular individual;

- (v) The employer hires, supervises, or pays the wages of the individual performing services; 8345  
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- (vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work; 8347  
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- (vii) The employer requires the individual to perform services during established hours; 8350  
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- (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer; 8352  
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- (ix) The employer requires the individual to perform services on the employer's premises; 8355  
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- (x) The employer requires the individual performing services to follow the order of work established by the employer; 8357  
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- (xi) The employer requires the individual performing services to make oral or written reports of progress; 8359  
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- (xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly; 8361  
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- (xiii) The employer pays expenses for the individual performing services; 8363  
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- (xiv) The employer furnishes the tools and materials for use by the individual to perform services; 8365  
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- (xv) The individual performing services has not invested in the facilities used to perform services; 8367  
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- (xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services; 8369  
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- (xvii) The individual performing services is not performing services for more than two employers simultaneously; 8372  
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(xviii) The individual performing services does not make the services available to the general public; 8374  
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(xix) The employer has a right to discharge the individual performing services; 8376  
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(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement. 8378  
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(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section. 8381  
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(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section: 8390  
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(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section; 8395  
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(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section; 8398  
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(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed: 8402  
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(i) As a publicly elected official;	8405
(ii) As a member of a legislative body, or a member of the judiciary;	8406 8407
(iii) As a military member of the Ohio national guard;	8408
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	8409 8410 8411 8412
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	8413 8414 8415 8416 8417
(d) In the employ of any governmental unit or instrumentality of the United States;	8418 8419
(e) Service performed after December 31, 1971:	8420
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	8421 8422 8423 8424 8425
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to	8426 8427 8428 8429 8430 8431 8432 8433 8434



service performed in a program established for or on behalf of an 8435  
employer or group of employers. 8436

(f) Service performed by an individual in the employ of the 8437  
individual's son, daughter, or spouse and service performed by a 8438  
child under the age of eighteen in the employ of the child's 8439  
father or mother; 8440

(g) Service performed for one or more principals by an 8441  
individual who is compensated on a commission basis, who in the 8442  
performance of the work is master of the individual's own time and 8443  
efforts, and whose remuneration is wholly dependent on the amount 8444  
of effort the individual chooses to expend, and which service is 8445  
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 8446  
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 8447  
31, 1971: 8448

(i) By an individual for an employer as an insurance agent or 8449  
as an insurance solicitor, if all this service is performed for 8450  
remuneration solely by way of commission; 8451

(ii) As a home worker performing work, according to 8452  
specifications furnished by the employer for whom the services are 8453  
performed, on materials or goods furnished by such employer which 8454  
are required to be returned to the employer or to a person 8455  
designated for that purpose. 8456

(h) Service performed after December 31, 1971: 8457

(i) In the employ of a church or convention or association of 8458  
churches, or in an organization which is operated primarily for 8459  
religious purposes and which is operated, supervised, controlled, 8460  
or principally supported by a church or convention or association 8461  
of churches; 8462

(ii) By a duly ordained, commissioned, or licensed minister 8463  
of a church in the exercise of the individual's ministry or by a 8464  
member of a religious order in the exercise of duties required by 8465

such order; or 8466

(iii) In a facility conducted for the purpose of carrying out 8467  
a program of rehabilitation for individuals whose earning capacity 8468  
is impaired by age or physical or mental deficiency or injury, or 8469  
providing remunerative work for individuals who because of their 8470  
impaired physical or mental capacity cannot be readily absorbed in 8471  
the competitive labor market, by an individual receiving such 8472  
rehabilitation or remunerative work. 8473

(i) Service performed after June 30, 1939, with respect to 8474  
which unemployment compensation is payable under the "Railroad 8475  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 8476

(j) Service performed by an individual in the employ of any 8477  
organization exempt from income tax under section 501 of the 8478  
"Internal Revenue Code of 1954," if the remuneration for such 8479  
service does not exceed fifty dollars in any calendar quarter, or 8480  
if such service is in connection with the collection of dues or 8481  
premiums for a fraternal beneficial society, order, or association 8482  
and is performed away from the home office or is ritualistic 8483  
service in connection with any such society, order, or 8484  
association; 8485

(k) Casual labor not in the course of an employer's trade or 8486  
business; incidental service performed by an officer, appraiser, 8487  
or member of a finance committee of a bank, building and loan 8488  
association, savings and loan association, or savings association 8489  
when the remuneration for such incidental service exclusive of the 8490  
amount paid or allotted for directors' fees does not exceed sixty 8491  
dollars per calendar quarter is casual labor; 8492

(l) Service performed in the employ of a voluntary employees' 8493  
beneficial association providing for the payment of life, 8494  
sickness, accident, or other benefits to the members of such 8495  
association or their dependents or their designated beneficiaries, 8496

if admission to a membership in such association is limited to 8497  
individuals who are officers or employees of a municipal or public 8498  
corporation, of a political subdivision of the state, or of the 8499  
United States and no part of the net earnings of such association 8500  
inures, other than through such payments, to the benefit of any 8501  
private shareholder or individual; 8502

(m) Service performed by an individual in the employ of a 8503  
foreign government, including service as a consular or other 8504  
officer or employee or of a nondiplomatic representative; 8505

(n) Service performed in the employ of an instrumentality 8506  
wholly owned by a foreign government if the service is of a 8507  
character similar to that performed in foreign countries by 8508  
employees of the United States or of an instrumentality thereof 8509  
and if the director finds that the secretary of state of the 8510  
United States has certified to the secretary of the treasury of 8511  
the United States that the foreign government, with respect to 8512  
whose instrumentality exemption is claimed, grants an equivalent 8513  
exemption with respect to similar service performed in the foreign 8514  
country by employees of the United States and of instrumentalities 8515  
thereof; 8516

(o) Service with respect to which unemployment compensation 8517  
is payable under an unemployment compensation system established 8518  
by an act of congress; 8519

(p) Service performed as a student nurse in the employ of a 8520  
hospital or a nurses' training school by an individual who is 8521  
enrolled and is regularly attending classes in a nurses' training 8522  
school chartered or approved pursuant to state law, and service 8523  
performed as an intern in the employ of a hospital by an 8524  
individual who has completed a four years' course in a medical 8525  
school chartered or approved pursuant to state law; 8526

(q) Service performed by an individual under the age of 8527

eighteen in the delivery or distribution of newspapers or shopping 8528  
news, not including delivery or distribution to any point for 8529  
subsequent delivery or distribution; 8530

(r) Service performed in the employ of the United States or 8531  
an instrumentality of the United States immune under the 8532  
Constitution of the United States from the contributions imposed 8533  
by this chapter, except that to the extent that congress permits 8534  
states to require any instrumentalities of the United States to 8535  
make payments into an unemployment fund under a state unemployment 8536  
compensation act, this chapter shall be applicable to such 8537  
instrumentalities and to services performed for such 8538  
instrumentalities in the same manner, to the same extent, and on 8539  
the same terms as to all other employers, individuals, and 8540  
services, provided that if this state is not certified for any 8541  
year by the proper agency of the United States under section 3304 8542  
of the "Internal Revenue Code of 1954," the payments required of 8543  
such instrumentalities with respect to such year shall be refunded 8544  
by the director from the fund in the same manner and within the 8545  
same period as is provided in division (E) of section 4141.09 of 8546  
the Revised Code with respect to contributions erroneously 8547  
collected; 8548

(s) Service performed by an individual as a member of a band 8549  
or orchestra, provided such service does not represent the 8550  
principal occupation of such individual, and which service is not 8551  
subject to or required to be covered for full tax credit against 8552  
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 8553  
183 (1939), 26 U.S.C.A. 3301 to 3311. 8554

(t) Service performed in the employ of a day camp whose 8555  
camping season does not exceed twelve weeks in any calendar year, 8556  
and which service is not subject to the "Federal Unemployment Tax 8557  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 8558  
performed after December 31, 1971: 8559

(i) In the employ of a hospital, if the service is performed 8560  
by a patient of the hospital, as defined in division (W) of this 8561  
section; 8562

(ii) For a prison or other correctional institution by an 8563  
inmate of the prison or correctional institution; 8564

(iii) Service performed after December 31, 1977, by an inmate 8565  
of a custodial institution operated by the state, a political 8566  
subdivision, or a nonprofit organization. 8567

(u) Service that is performed by a nonresident alien 8568  
individual for the period the individual temporarily is present in 8569  
the United States as a nonimmigrant under division (F), (J), (M), 8570  
or (Q) of section 101(a)(15) of the "Immigration and Nationality 8571  
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 8572  
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 8573  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 8574

(v) Notwithstanding any other provisions of division (B)(3) 8575  
of this section, services that are excluded under divisions 8576  
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 8577  
from employment when performed for a nonprofit organization, as 8578  
defined in division (X) of this section, or for this state or its 8579  
instrumentalities, or for a political subdivision or its 8580  
instrumentalities or for Indian tribes; 8581

(w) Service that is performed by an individual working as an 8582  
election official or election worker if the amount of remuneration 8583  
received by the individual during the calendar year for services 8584  
as an election official or election worker is less than one 8585  
thousand dollars; 8586

(x) Service performed for an elementary or secondary school 8587  
that is operated primarily for religious purposes, that is 8588  
described in subsection 501(c)(3) and exempt from federal income 8589  
taxation under subsection 501(a) of the Internal Revenue Code, 26 8590

U.S.C.A. 501;	8591
(y) Service performed by a person committed to a penal institution.	8592 8593
(z) Service performed for an Indian tribe as described in division (B)(2)(1) of this section when performed in any of the following manners:	8594 8595 8596
(i) As a publicly elected official;	8597
(ii) As a member of an Indian tribal council;	8598
(iii) As a member of a legislative or judiciary body;	8599
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	8600 8601 8602 8603 8604
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	8605 8606
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training.	8607 8608 8609 8610 8611 8612 8613
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	8614 8615
(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an	8616 8617 8618 8619 8620

employee for the person employing that employee do not constitute 8621  
employment, then none of the services of such employee for such 8622  
period shall be deemed to be employment. As used in division 8623  
(B)(4) of this section, "pay period" means a period, of not more 8624  
than thirty-one consecutive days, for which payment of 8625  
remuneration is ordinarily made to the employee by the person 8626  
employing that employee. Division (B)(4) of this section does not 8627  
apply to services performed in a pay period by an employee for the 8628  
person employing that employee, if any of such service is excepted 8629  
by division (B)(3)(o) of this section. 8630

(C) "Benefits" means money payments payable to an individual 8631  
who has established benefit rights, as provided in this chapter, 8632  
for loss of remuneration due to the individual's unemployment. 8633

(D) "Benefit rights" means the weekly benefit amount and the 8634  
maximum benefit amount that may become payable to an individual 8635  
within the individual's benefit year as determined by the 8636  
director. 8637

(E) "Claim for benefits" means a claim for waiting period or 8638  
benefits for a designated week. 8639

(F) "Additional claim" means the first claim for benefits 8640  
filed following any separation from employment during a benefit 8641  
year; "continued claim" means any claim other than the first claim 8642  
for benefits and other than an additional claim. 8643

(G)(1) "Wages" means remuneration paid to an employee by each 8644  
of the employee's employers with respect to employment; except 8645  
that wages shall not include that part of remuneration paid during 8646  
any calendar year to an individual by an employer or such 8647  
employer's predecessor in interest in the same business or 8648  
enterprise, which in any calendar year is in excess of eight 8649  
thousand two hundred fifty dollars on and after January 1, 1992; 8650  
eight thousand five hundred dollars on and after January 1, 1993; 8651

eight thousand seven hundred fifty dollars on and after January 1, 8652  
1994; and nine thousand dollars on and after January 1, 1995. 8653  
Remuneration in excess of such amounts shall be deemed wages 8654  
subject to contribution to the same extent that such remuneration 8655  
is defined as wages under the "Federal Unemployment Tax Act," 84 8656  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 8657  
remuneration paid an employee by an employer with respect to 8658  
employment in another state, upon which contributions were 8659  
required and paid by such employer under the unemployment 8660  
compensation act of such other state, shall be included as a part 8661  
of remuneration in computing the amount specified in this 8662  
division. 8663

(2) Notwithstanding division (G)(1) of this section, if, as 8664  
of the computation date for any calendar year, the director 8665  
determines that the level of the unemployment compensation fund is 8666  
sixty per cent or more below the minimum safe level as defined in 8667  
section 4141.25 of the Revised Code, then, effective the first day 8668  
of January of the following calendar year, wages subject to this 8669  
chapter shall not include that part of remuneration paid during 8670  
any calendar year to an individual by an employer or such 8671  
employer's predecessor in interest in the same business or 8672  
enterprise which is in excess of nine thousand dollars. The 8673  
increase in the dollar amount of wages subject to this chapter 8674  
under this division shall remain in effect from the date of the 8675  
director's determination pursuant to division (G)(2) of this 8676  
section and thereafter notwithstanding the fact that the level in 8677  
the fund may subsequently become less than sixty per cent below 8678  
the minimum safe level. 8679

(H)(1) "Remuneration" means all compensation for personal 8680  
services, including commissions and bonuses and the cash value of 8681  
all compensation in any medium other than cash, except that in the 8682  
case of agricultural or domestic service, "remuneration" includes 8683



only cash remuneration. Gratuities customarily received by an 8684  
individual in the course of the individual's employment from 8685  
persons other than the individual's employer and which are 8686  
accounted for by such individual to the individual's employer are 8687  
taxable wages. 8688

The reasonable cash value of compensation paid in any medium 8689  
other than cash shall be estimated and determined in accordance 8690  
with rules prescribed by the director, provided that 8691  
"remuneration" does not include: 8692

(a) Payments as provided in divisions (b)(2) to (b)~~(16)~~(20) 8693  
of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 8694  
713, 26 U.S.C.A. 3301 to 3311, as amended; 8695

(b) The payment by an employer, without deduction from the 8696  
remuneration of the individual in the employer's employ, of the 8697  
tax imposed upon an individual in the employer's employ under 8698  
section 3101 of the "Internal Revenue Code of 1954," with respect 8699  
to services performed after October 1, 1941. 8700

(2) "Cash remuneration" means all remuneration paid in cash, 8701  
including commissions and bonuses, but not including the cash 8702  
value of all compensation in any medium other than cash. 8703

(I) "Interested party" means the director and any party to 8704  
whom notice of a determination of an application for benefit 8705  
rights or a claim for benefits is required to be given under 8706  
section 4141.28 of the Revised Code. 8707

(J) "Annual payroll" means the total amount of wages subject 8708  
to contributions during a twelve-month period ending with the last 8709  
day of the second calendar quarter of any calendar year. 8710

(K) "Average annual payroll" means the average of the last 8711  
three annual payrolls of an employer, provided that if, as of any 8712  
computation date, the employer has had less than three annual 8713  
payrolls in such three-year period, such average shall be based on 8714

the annual payrolls which the employer has had as of such date. 8715

(L)(1) "Contributions" means the money payments to the state 8716  
unemployment compensation fund required of employers by section 8717  
4141.25 of the Revised Code and of the state and any of its 8718  
political subdivisions electing to pay contributions under section 8719  
4141.242 of the Revised Code. Employers paying contributions shall 8720  
be described as "contributory employers." 8721

(2) "Payments in lieu of contributions" means the money 8722  
payments to the state unemployment compensation fund required of 8723  
reimbursing employers under sections 4141.241 and 4141.242 of the 8724  
Revised Code. 8725

(M) An individual is "totally unemployed" in any week during 8726  
which the individual performs no services and with respect to such 8727  
week no remuneration is payable to the individual. 8728

(N) An individual is "partially unemployed" in any week if, 8729  
due to involuntary loss of work, the total remuneration payable to 8730  
the individual for such week is less than the individual's weekly 8731  
benefit amount. 8732

(O) "Week" means the calendar week ending at midnight 8733  
Saturday unless an equivalent week of seven consecutive calendar 8734  
days is prescribed by the director. 8735

(1) "Qualifying week" means any calendar week in an 8736  
individual's base period with respect to which the individual 8737  
earns or is paid remuneration in employment subject to this 8738  
chapter. A calendar week with respect to which an individual earns 8739  
remuneration but for which payment was not made within the base 8740  
period, when necessary to qualify for benefit rights, may be 8741  
considered to be a qualifying week. The number of qualifying weeks 8742  
which may be established in a calendar quarter shall not exceed 8743  
the number of calendar weeks in the quarter. 8744

(2) "Average weekly wage" means the amount obtained by 8745

dividing an individual's total remuneration for all qualifying 8746  
weeks during the base period by the number of such qualifying 8747  
weeks, provided that if the computation results in an amount that 8748  
is not a multiple of one dollar, such amount shall be rounded to 8749  
the next lower multiple of one dollar. 8750

(P) "Weekly benefit amount" means the amount of benefits an 8751  
individual would be entitled to receive for one week of total 8752  
unemployment. 8753

(Q)(1) "Base period" means the first four of the last five 8754  
completed calendar quarters immediately preceding the first day of 8755  
an individual's benefit year, except as provided in division 8756  
(Q)(2) of this section. 8757

(2) If an individual does not have sufficient qualifying 8758  
weeks and wages in the base period to qualify for benefit rights, 8759  
the individual's base period shall be the four most recently 8760  
completed calendar quarters preceding the first day of the 8761  
individual's benefit year. Such base period shall be known as the 8762  
"alternate base period." If information as to weeks and wages for 8763  
the most recent quarter of the alternate base period is not 8764  
available to the director from the regular quarterly reports of 8765  
wage information, which are systematically accessible, the 8766  
director may, consistent with the provisions of section 4141.28 of 8767  
the Revised Code, base the determination of eligibility for 8768  
benefits on the affidavit of the claimant with respect to weeks 8769  
and wages for that calendar quarter. The claimant shall furnish 8770  
payroll documentation, where available, in support of the 8771  
affidavit. The determination based upon the alternate base period 8772  
as it relates to the claimant's benefit rights, shall be amended 8773  
when the quarterly report of wage information from the employer is 8774  
timely received and that information causes a change in the 8775  
determination. As provided in division (B) of section 4141.28 of 8776  
the Revised Code, any benefits paid and charged to an employer's 8777

account, based upon a claimant's affidavit, shall be adjusted 8778  
effective as of the beginning of the claimant's benefit year. No 8779  
calendar quarter in a base period or alternate base period shall 8780  
be used to establish a subsequent benefit year. 8781

(3) The "base period" of a combined wage claim, as described 8782  
in division (H) of section 4141.43 of the Revised Code, shall be 8783  
the base period prescribed by the law of the state in which the 8784  
claim is allowed. 8785

(4) For purposes of determining the weeks that comprise a 8786  
completed calendar quarter under this division, only those weeks 8787  
ending at midnight Saturday within the calendar quarter shall be 8788  
utilized. 8789

(R)(1) "Benefit year" with respect to an individual means the 8790  
fifty-two week period beginning with the first day of that week 8791  
with respect to which the individual first files a valid 8792  
application for determination of benefit rights, and thereafter 8793  
the fifty-two week period beginning with the first day of that 8794  
week with respect to which the individual next files a valid 8795  
application for determination of benefit rights after the 8796  
termination of the individual's last preceding benefit year, 8797  
except that the application shall not be considered valid unless 8798  
the individual has had employment in six weeks that is subject to 8799  
this chapter or the unemployment compensation act of another 8800  
state, or the United States, and has, since the beginning of the 8801  
individual's previous benefit year, in the employment earned three 8802  
times the average weekly wage determined for the previous benefit 8803  
year. The "benefit year" of a combined wage claim, as described in 8804  
division (H) of section 4141.43 of the Revised Code, shall be the 8805  
benefit year prescribed by the law of the state in which the claim 8806  
is allowed. Any application for determination of benefit rights 8807  
made in accordance with section 4141.28 of the Revised Code is 8808  
valid if the individual filing such application is unemployed, has 8809

been employed by an employer or employers subject to this chapter 8810  
in at least twenty qualifying weeks within the individual's base 8811  
period, and has earned or been paid remuneration at an average 8812  
weekly wage of not less than twenty-seven and one-half per cent of 8813  
the statewide average weekly wage for such weeks. For purposes of 8814  
determining whether an individual has had sufficient employment 8815  
since the beginning of the individual's previous benefit year to 8816  
file a valid application, "employment" means the performance of 8817  
services for which remuneration is payable. 8818

(2) Effective for benefit years beginning on and after 8819  
December 26, 2004, any application for determination of benefit 8820  
rights made in accordance with section 4141.28 of the Revised Code 8821  
is valid if the individual satisfies the criteria described in 8822  
division (R)(1) of this section, and if the reason for the 8823  
individual's separation from employment is not disqualifying 8824  
pursuant to division (D)(2) of section 4141.29 or section 4141.291 8825  
of the Revised Code. A disqualification imposed pursuant to 8826  
division (D)(2) of section 4141.29 or section 4141.291 of the 8827  
Revised Code must be removed as provided in those sections as a 8828  
requirement of establishing a valid application for benefit years 8829  
beginning on and after December 26, 2004. 8830

(3) The statewide average weekly wage shall be calculated by 8831  
the director once a year based on the twelve-month period ending 8832  
the thirtieth day of June, as set forth in division (B)(3) of 8833  
section 4141.30 of the Revised Code, rounded down to the nearest 8834  
dollar. Increases or decreases in the amount of remuneration 8835  
required to have been earned or paid in order for individuals to 8836  
have filed valid applications shall become effective on Sunday of 8837  
the calendar week in which the first day of January occurs that 8838  
follows the twelve-month period ending the thirtieth day of June 8839  
upon which the calculation of the statewide average weekly wage 8840  
was based. 8841

(4) As used in this division, an individual is "unemployed" 8842  
if, with respect to the calendar week in which such application is 8843  
filed, the individual is "partially unemployed" or "totally 8844  
unemployed" as defined in this section or if, prior to filing the 8845  
application, the individual was separated from the individual's 8846  
most recent work for any reason which terminated the individual's 8847  
employee-employer relationship, or was laid off indefinitely or 8848  
for a definite period of seven or more days. 8849

(S) "Calendar quarter" means the period of three consecutive 8850  
calendar months ending on the thirty-first day of March, the 8851  
thirtieth day of June, the thirtieth day of September, and the 8852  
thirty-first day of December, or the equivalent thereof as the 8853  
director prescribes by rule. 8854

(T) "Computation date" means the first day of the third 8855  
calendar quarter of any calendar year. 8856

(U) "Contribution period" means the calendar year beginning 8857  
on the first day of January of any year. 8858

(V) "Agricultural labor," for the purpose of this division, 8859  
means any service performed prior to January 1, 1972, which was 8860  
agricultural labor as defined in this division prior to that date, 8861  
and service performed after December 31, 1971: 8862

(1) On a farm, in the employ of any person, in connection 8863  
with cultivating the soil, or in connection with raising or 8864  
harvesting any agricultural or horticultural commodity, including 8865  
the raising, shearing, feeding, caring for, training, and 8866  
management of livestock, bees, poultry, and fur-bearing animals 8867  
and wildlife; 8868

(2) In the employ of the owner or tenant or other operator of 8869  
a farm in connection with the operation, management, conservation, 8870  
improvement, or maintenance of such farm and its tools and 8871  
equipment, or in salvaging timber or clearing land of brush and 8872

other debris left by hurricane, if the major part of such service 8873  
is performed on a farm; 8874

(3) In connection with the production or harvesting of any 8875  
commodity defined as an agricultural commodity in section 15 (g) 8876  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 8877  
U.S.C. 1141j, as amended, or in connection with the ginning of 8878  
cotton, or in connection with the operation or maintenance of 8879  
ditches, canals, reservoirs, or waterways, not owned or operated 8880  
for profit, used exclusively for supplying and storing water for 8881  
farming purposes; 8882

(4) In the employ of the operator of a farm in handling, 8883  
planting, drying, packing, packaging, processing, freezing, 8884  
grading, storing, or delivering to storage or to market or to a 8885  
carrier for transportation to market, in its unmanufactured state, 8886  
any agricultural or horticultural commodity, but only if the 8887  
operator produced more than one half of the commodity with respect 8888  
to which such service is performed; 8889

(5) In the employ of a group of operators of farms, or a 8890  
cooperative organization of which the operators are members, in 8891  
the performance of service described in division (V)(4) of this 8892  
section, but only if the operators produced more than one-half of 8893  
the commodity with respect to which the service is performed; 8894

(6) Divisions (V)(4) and (5) of this section shall not be 8895  
deemed to be applicable with respect to service performed: 8896

(a) In connection with commercial canning or commercial 8897  
freezing or in connection with any agricultural or horticultural 8898  
commodity after its delivery to a terminal market for distribution 8899  
for consumption; or 8900

(b) On a farm operated for profit if the service is not in 8901  
the course of the employer's trade or business. 8902

As used in division (V) of this section, "farm" includes 8903

stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 8904  
plantations, ranches, nurseries, ranges, greenhouses, or other 8905  
similar structures used primarily for the raising of agricultural 8906  
or horticultural commodities and orchards. 8907

(W) "Hospital" means an institution which has been registered 8908  
or licensed by the Ohio department of health as a hospital. 8909

(X) "Nonprofit organization" means an organization, or group 8910  
of organizations, described in section 501(c)(3) of the "Internal 8911  
Revenue Code of 1954," and exempt from income tax under section 8912  
501(a) of that code. 8913

(Y) "Institution of higher education" means a public or 8914  
nonprofit educational institution, including an educational 8915  
institution operated by an Indian tribe, which: 8916

(1) Admits as regular students only individuals having a 8917  
certificate of graduation from a high school, or the recognized 8918  
equivalent; 8919

(2) Is legally authorized in this state or by the Indian 8920  
tribe to provide a program of education beyond high school; and 8921

(3) Provides an educational program for which it awards a 8922  
bachelor's or higher degree, or provides a program which is 8923  
acceptable for full credit toward such a degree, a program of 8924  
post-graduate or post-doctoral studies, or a program of training 8925  
to prepare students for gainful employment in a recognized 8926  
occupation. 8927

For the purposes of this division, all colleges and 8928  
universities in this state are institutions of higher education. 8929

(Z) For the purposes of this chapter, "states" includes the 8930  
District of Columbia, the Commonwealth of Puerto Rico, and the 8931  
Virgin Islands. 8932

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 8933



this section, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.

(BB)(1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and:

(a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them;

(b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is designated as in the employ of the other employer or farm operator.

(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if:

(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or

(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and

(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B)(1) of this section.

(3) For the purposes of this division, any individual who is

furnished by a crew leader to perform service in agricultural 8964  
labor for any other employer or farm operator and who is not 8965  
treated as in the employment of the crew leader under division 8966  
(BB)(2) of this section shall be treated as the employee of the 8967  
other employer or farm operator and not of the crew leader. The 8968  
other employer or farm operator shall be treated as having paid 8969  
cash remuneration to the individual in an amount equal to the 8970  
amount of cash remuneration paid to the individual by the crew 8971  
leader, either on the crew leader's own behalf or on behalf of the 8972  
other employer or farm operator, for the service in agricultural 8973  
labor performed for the other employer or farm operator. 8974

(CC) "Educational institution" means an institution other 8975  
than an institution of higher education as defined in division (Y) 8976  
of this section, including an educational institution operated by 8977  
an Indian tribe, which: 8978

(1) Offers participants, trainees, or students an organized 8979  
course of study or training designed to transfer to them 8980  
knowledge, skills, information, doctrines, attitudes, or abilities 8981  
from, by, or under the guidance of an instructor or teacher; and 8982

(2) Is approved, chartered, or issued a permit to operate as 8983  
a school by the state board of education, other government agency, 8984  
or Indian tribe that is authorized within the state to approve, 8985  
charter, or issue a permit for the operation of a school. 8986

For the purposes of this division, the courses of study or 8987  
training which the institution offers may be academic, technical, 8988  
trade, or preparation for gainful employment in a recognized 8989  
occupation. 8990

(DD) "Cost savings day" means any unpaid day off from work in 8991  
which employees continue to accrue employee benefits which have a 8992  
determinable value including, but not limited to, vacation, 8993  
pension contribution, sick time, and life and health insurance. 8994

**Sec. 4141.09.** (A) There is hereby created an unemployment 8995  
compensation fund to be administered by the state without 8996  
liability on the part of the state beyond the amounts paid into 8997  
the fund and earned by the fund. The unemployment compensation 8998  
fund shall consist of all contributions, payments in lieu of 8999  
contributions described in sections 4141.241 and 4141.242 of the 9000  
Revised Code, reimbursements of the federal share of extended 9001  
benefits described in section 4141.301 of the Revised Code, 9002  
collected under sections 4141.01 to 4141.56 of the Revised Code, 9003  
and the amount required under division (A)(4) of section 4141.35 9004  
of the Revised Code, together with all interest earned upon any 9005  
moneys deposited with the secretary of the treasury of the United 9006  
States to the credit of the account of this state in the 9007  
unemployment trust fund established and maintained pursuant to 9008  
section 904 of the "Social Security Act," any property or 9009  
securities acquired through the use of moneys belonging to the 9010  
fund, and all earnings of such property or securities. The 9011  
unemployment compensation fund shall be used to pay benefits, 9012  
shared work compensation as defined in section 4141.50 of the 9013  
Revised Code, and refunds as provided by such sections and for no 9014  
other purpose. 9015

(B) The treasurer of state shall be the custodian of the 9016  
unemployment compensation fund and shall administer such fund in 9017  
accordance with the directions of the director of job and family 9018  
services. All disbursements therefrom shall be paid by the 9019  
treasurer of state on warrants drawn by the director. Such 9020  
warrants may bear the facsimile signature of the director printed 9021  
thereon and that of a deputy or other employee of the director 9022  
charged with the duty of keeping the account of the unemployment 9023  
compensation fund and with the preparation of warrants for the 9024  
payment of benefits to the persons entitled thereto. Moneys in the 9025  
clearing and benefit accounts shall not be commingled with other 9026

state funds, except as provided in division (C) of this section, 9027  
but shall be maintained in separate accounts on the books of the 9028  
depository bank. Such money shall be secured by the depository 9029  
bank to the same extent and in the same manner as required by 9030  
sections 135.01 to 135.21 of the Revised Code; and collateral 9031  
pledged for this purpose shall be kept separate and distinct from 9032  
any collateral pledged to secure other funds of this state. All 9033  
sums recovered for losses sustained by the unemployment 9034  
compensation fund shall be deposited therein. The treasurer of 9035  
state shall be liable on the treasurer's official bond for the 9036  
faithful performance of the treasurer's duties in connection with 9037  
the unemployment compensation fund, such liability to exist in 9038  
addition to any liability upon any separate bond. 9039

(C) The treasurer of state shall maintain within the 9040  
unemployment compensation fund three separate accounts which shall 9041  
be a clearing account, a trust fund account, and a benefit 9042  
account. All moneys payable to the unemployment compensation fund, 9043  
upon receipt by the director, shall be forwarded to the treasurer 9044  
of state, who shall immediately deposit them in the clearing 9045  
account. Refunds of contributions, or payments in lieu of 9046  
contributions, payable pursuant to division (E) of this section 9047  
may be paid from the clearing account upon warrants signed by a 9048  
deputy or other employee of the director charged with the duty of 9049  
keeping the record of the clearing account and with the 9050  
preparation of warrants for the payment of refunds to persons 9051  
entitled thereto. After clearance thereof, all moneys in the 9052  
clearing account shall be deposited with the secretary of the 9053  
treasury of the United States to the credit of the account of this 9054  
state in the unemployment trust fund established and maintained 9055  
pursuant to section 904 of the "Social Security Act," in 9056  
accordance with requirements of the "Federal Unemployment Tax 9057  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 9058  
in this state relating to the deposit, administration, release, or 9059

disbursement of moneys in the possession or custody of this state 9060  
to the contrary notwithstanding. The benefit account shall consist 9061  
of all moneys requisitioned from this state's account in the 9062  
unemployment trust fund. Federal funds may be deposited, at the 9063  
director's discretion, into the benefit account. Any funds 9064  
deposited into the benefit account shall be disbursed solely for 9065  
payment of benefits under a federal program administered by this 9066  
state and for no other purpose. Moneys in the clearing and benefit 9067  
accounts may be deposited by the treasurer of state, under the 9068  
direction of the director, in any bank or public depository in 9069  
which general funds of the state may be deposited, but no public 9070  
deposit insurance charge or premium shall be paid out of the fund. 9071

(D) Moneys shall be requisitioned from this state's account 9072  
in the unemployment trust fund solely for the payment of benefits 9073  
and in accordance with regulations prescribed by the director. The 9074  
director shall requisition from the unemployment trust fund such 9075  
amounts, not exceeding the amount standing to this state's account 9076  
therein, as are deemed necessary for the payment of benefits for a 9077  
reasonable future period. Upon receipt thereof, the treasurer of 9078  
state shall deposit such moneys in the benefit account. 9079  
Expenditures of such money in the benefit account and refunds from 9080  
the clearing account shall not require specific appropriations or 9081  
other formal release by state officers of money in their custody. 9082  
Any balance of moneys requisitioned from the unemployment trust 9083  
fund which remains unclaimed or unpaid in the benefit account 9084  
after the expiration of the period for which such sums were 9085  
requisitioned shall either be deducted from estimates for and may 9086  
be utilized for the payment of benefits during succeeding periods, 9087  
or, in the discretion of the director, shall be redeposited with 9088  
the secretary of the treasury of the United States to the credit 9089  
of this state's account in the unemployment trust fund, as 9090  
provided in division (C) of this section. Unclaimed or unpaid 9091  
federal funds redeposited with the secretary of the treasury of 9092

the United States shall be credited to the appropriate federal 9093  
account. 9094

(E) No claim for an adjustment or a refund on contribution, 9095  
payment in lieu of contributions, interest, or forfeiture alleged 9096  
to have been erroneously or illegally assessed or collected, or 9097  
alleged to have been collected without authority, and no claim for 9098  
an adjustment or a refund of any sum alleged to have been 9099  
excessive or in any manner wrongfully collected shall be allowed 9100  
unless an application, in writing, therefor is made within four 9101  
years from the date on which such payment was made. If the 9102  
director determines that such contribution, payment in lieu of 9103  
contributions, interest, or forfeiture, or any portion thereof, 9104  
was erroneously collected, the director shall allow such employer 9105  
to make an adjustment thereof without interest in connection with 9106  
subsequent contribution payments, or payments in lieu of 9107  
contributions, by the employer, or the director may refund said 9108  
amount, without interest, from the clearing account of the 9109  
unemployment compensation fund, except as provided in division (B) 9110  
of section 4141.11 of the Revised Code. For like cause and within 9111  
the same period, adjustment or refund may be so made on the 9112  
director's own initiative. An overpayment of contribution, payment 9113  
in lieu of contributions, interest, or forfeiture for which an 9114  
employer has not made application for refund prior to the date of 9115  
sale of the employer's business shall accrue to the employer's 9116  
successor in interest. 9117

An application for an adjustment or a refund, or any portion 9118  
thereof, that is rejected is binding upon the employer unless, 9119  
within thirty days after the mailing of a written notice of 9120  
rejection to the employer's last known address, or, in the absence 9121  
of mailing of such notice, within thirty days after the delivery 9122  
of such notice, the employer files an application for a review and 9123  
redetermination setting forth the reasons therefor. The director 9124

shall promptly examine the application for review and 9125  
redetermination, and if a review is granted, the employer shall be 9126  
promptly notified thereof, and shall be granted an opportunity for 9127  
a prompt hearing. 9128

(F) If the director finds that contributions have been paid 9129  
to the director in error, and that such contributions should have 9130  
been paid to a department of another state or of the United States 9131  
charged with the administration of an unemployment compensation 9132  
law, the director may upon request by such department or upon the 9133  
director's own initiative transfer to such department the amount 9134  
of such contributions, less any benefits paid to claimants whose 9135  
wages were the basis for such contributions. The director may 9136  
request and receive from such department any contributions or 9137  
adjusted contributions paid in error to such department which 9138  
should have been paid to the director. 9139

(G) In accordance with section 303(c)(3) of the Social 9140  
Security Act, and section 3304(a)(17) of the Internal Revenue Code 9141  
of 1954 for continuing certification of Ohio unemployment 9142  
compensation laws for administrative grants and for tax credits, 9143  
any interest required to be paid on advances under Title XII of 9144  
the Social Security Act shall be paid in a timely manner and shall 9145  
not be paid, directly or indirectly, by an equivalent reduction in 9146  
the Ohio unemployment taxes or otherwise, by the state from 9147  
amounts in the unemployment compensation fund. 9148

~~(H) The treasurer of state, under the direction of the 9149  
director and in accordance with the "Cash Management Improvement 9150  
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 9151  
amounts of interest earned by the state on funds in the benefit 9152  
account established pursuant to division (C) of this section into 9153  
the department of job and family services banking fees fund, which 9154  
is hereby created in the state treasury for the purpose of paying 9155  
related banking costs incurred by the state for the period for 9156~~

~~which the interest is calculated, except that if the deposited 9157  
interest exceeds the banking costs incurred by the state for the 9158  
period for which the interest is calculated, the treasurer of 9159  
state shall deposit the excess interest into the unemployment 9160  
trust fund. 9161~~

(I) The treasurer of state, under the direction of the 9162  
director, shall deposit federal funds received by the director for 9163  
training and administration and for payment of benefits, job 9164  
search, relocation, transportation, and subsistence allowances 9165  
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 9166  
2101, as amended; the "North American Free Trade Agreement 9167  
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 9168  
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 9169  
3801, as amended, into the Trade Act training and administration 9170  
account, which is hereby created for the purpose of making 9171  
payments specified under those acts. The treasurer of state, under 9172  
the direction of the director, may transfer funds from the Trade 9173  
Act training and administration account to the benefit account for 9174  
the purpose of making any payments directly to claimants for 9175  
benefits, job search, relocation, transportation, and subsistence 9176  
allowances, as specified by those acts. 9177

**Sec. 4141.11.** There is hereby created in the state treasury 9178  
the unemployment compensation special administrative fund. The 9179  
fund shall consist of all interest collected on delinquent 9180  
contributions pursuant to this chapter, all fines and forfeitures 9181  
collected under this chapter, all money received from the sale of 9182  
real property under section 4141.131 of the Revised Code, the 9183  
amount required under division (A)(4) of section 4141.35 of the 9184  
Revised Code, and all court costs and interest paid or collected 9185  
in connection with the repayment of fraudulently obtained benefits 9186  
pursuant to section 4141.35 of the Revised Code. All interest 9187  
earned on the money in the fund shall be retained in the fund and 9188



shall not be credited or transferred to any other fund or account, 9189  
except as provided in division (B) of this section. All moneys 9190  
which are deposited or paid into this fund may be used by: 9191

(A) The director of job and family services whenever it 9192  
appears that such use is necessary for: 9193

(1) The proper administration of this chapter and no federal 9194  
funds are available for the specific purpose for which the 9195  
expenditure is to be made, provided the moneys are not substituted 9196  
for appropriations from federal funds, which in the absence of 9197  
such moneys would be available; 9198

(2) The proper administration of this chapter for which 9199  
purpose appropriations from federal funds have been requested and 9200  
approved but not received, provided the fund would be reimbursed 9201  
upon receipt of the federal appropriation; 9202

(3) To the extent possible, the repayment to the unemployment 9203  
compensation administration fund of moneys found by the proper 9204  
agency of the United States to have been lost or expended for 9205  
purposes other than, or an amount in excess of, those found 9206  
necessary by the proper agency of the United States for the 9207  
administration of this chapter. 9208

(B) The director or the director's deputy whenever it appears 9209  
that such use is necessary for the payment of refunds or 9210  
adjustments of interest, fines, forfeitures, or court costs 9211  
erroneously collected and paid into this fund pursuant to this 9212  
chapter. 9213

(C) The director, to pay state disaster unemployment benefits 9214  
pursuant to section 4141.292 of the Revised Code. 9215

(D) The director, to pay any costs attributable to the 9216  
director that are associated with the sale of real property under 9217  
section 4141.131 of the Revised Code. 9218

Whenever the balance in the unemployment compensation special 9219  
administrative fund is considered to be excessive by the director, 9220  
the director shall request the director of budget and management 9221  
to transfer to the unemployment compensation fund the amount 9222  
considered to be excessive. Any balance in the unemployment 9223  
compensation special administrative fund shall not lapse at any 9224  
time, but shall be continuously available to the director of job 9225  
and family services for expenditures consistent with this chapter. 9226

**Sec. 4141.131.** (A) The director of job and family services 9227  
may enter into contracts for the sale of real property no longer 9228  
needed by the director for the operations of the director under 9229  
this title. Any costs attributable to the director that are 9230  
associated with the sale of real property under this section shall 9231  
be paid out of the unemployment compensation special 9232  
administrative fund established pursuant to section 4141.11 of the 9233  
Revised Code. The director shall submit a report summarizing the 9234  
use of that fund for the purpose of this section at least annually 9235  
to the unemployment compensation advisory council as prescribed by 9236  
the council. 9237

~~(B)(1) Earnest moneys from the sale of real property pursuant 9238  
to division (A) of this section shall be deposited into the 9239  
department of job and family services building consolidation fund, 9240  
which is hereby created in the state treasury. The balance of the 9241  
purchase price shall be deposited into the department of job and 9242  
family services building enhancement fund, which is hereby created 9243  
in the state treasury. The building enhancement fund shall retain 9244  
its own interest. Upon completion of the sale and the request of 9245  
the director, the treasurer of state shall transfer the earnest 9246  
moneys in the building consolidation fund into the building 9247  
enhancement fund. The director shall use the interest earned on 9248  
the moneys in the building enhancement fund only in accordance 9249  
with division (C) of this section. 9250~~

~~(2) The director shall deposit sufficient moneys from the sale of real property pursuant to division (A) of this section into the unemployment compensation special administrative fund to reimburse the fund for all costs associated with the sale of that real property.~~

~~(C) The director shall use the moneys in the building enhancement fund from the sale of real property pursuant to division (A) of this section, less the costs of the sale as specified in division (B)(2) of this section, in accordance with the provisions and requirements of the "Social Security Act," 49 Stat. 626 (1935), 52 U.S.C. 502(a) and 1103(c)(2), and the instructions of the United States department of labor, to improve buildings owned by or under the control of the director. If the director determines that there are no buildings for which money in the building enhancement fund may be used, the money shall be returned to the United States department of labor.~~

~~(D) The auditor of state, with the assistance of the attorney general, shall prepare a deed to the real property being sold upon notice from the director that a contract for the sale of that property has been executed in accordance with this section. The deed shall state the consideration and any conditions placed upon the sale. The deed shall be executed by the governor in the name of the state, countersigned by the secretary of state, sealed with the great seal of the state, presented in the office of the auditor of state for recording, and delivered to the buyer upon payment of the balance of the purchase price.~~

The buyer shall present the deed for recording in the county recorder's office of the county in which the real property is located.

**Sec. 4141.20.** (A) Every employer, including those not otherwise subject to this chapter, shall furnish the director of

job and family services upon request all information required by 9282  
the director to carry out the requirements of this chapter. Every 9283  
employer receiving from the director any blank with direction to 9284  
fill it out shall cause it to be properly filled out, in the 9285  
manner prescribed by the director, so as to answer fully and 9286  
correctly all questions therein propounded, and shall furnish all 9287  
the information therein sought, or, if unable to do so, that 9288  
employer shall give the director in writing good and sufficient 9289  
reason for such failure. 9290

The director may require that such information be verified 9291  
under oath and returned to the director within the period fixed by 9292  
the director or by law. The director or any person employed by the 9293  
director for that purpose may examine under oath any such 9294  
employer, or the officer, agent, or employee of that employer, for 9295  
the purpose of ascertaining any information that the employer is 9296  
required by this chapter to furnish to the director. ~~Any employer~~ 9297  
~~who fails to furnish information as is required by the director~~ 9298  
~~under authority of this section shall forfeit five hundred dollars~~ 9299  
~~to be collected in a civil action brought against the employer in~~ 9300  
~~the name of the state.~~ 9301

~~(B) Effective with the calendar quarter beginning April 1,~~ 9302  
~~1987, every contributory employer shall file a quarterly~~ 9303  
~~contribution report and a quarterly report of wages. The quarterly~~ 9304  
~~reports shall be filed no later than the last day of the first~~ 9305  
~~month following the close of the calendar quarter for which the~~ 9306  
~~quarterly reports are being filed. The employer shall enter on the~~ 9307  
~~quarterly contribution report the total and taxable remuneration~~ 9308  
~~paid to all employees during the quarter. The employer shall enter~~ 9309  
~~on the quarterly report of wages the name and social security~~ 9310  
~~number of each individual employed during the calendar quarter,~~ 9311  
~~the total remuneration paid the individual, the number of weeks~~ 9312  
~~during the quarter for which the individual was paid remuneration,~~ 9313

~~and any other information as required by section 1137 of the "Social Security Act."~~ 9314  
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~~Effective until the calendar quarter beginning January 1, 1993, in case of failure to file the quarterly contribution report or the report of wages containing all the required contribution and wage information within the time prescribed by this section, there shall be assessed a forfeiture amounting to ten per cent of the contributions due; provided such forfeiture shall not be less than twenty five nor more than two hundred fifty dollars. The director may waive the forfeiture only with respect to the report of wages, and the waiver may be approved only if the employer shows good cause for failure to file the required information.~~ 9316  
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~~Effective with the calendar quarter beginning January 1, 1993, in case of failure to file the quarterly contribution report containing all the required information within the time prescribed by this section, there shall be assessed a forfeiture amounting to twenty five one hundredths of one per cent of the total remuneration paid by the employer, provided such forfeiture shall not be less than thirty nor more than five hundred dollars per quarterly contribution report. The director may waive the forfeiture only if the employer provides to the director a written statement showing good cause for failure to file the required quarterly contribution report.~~ 9326  
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~~Effective with the calendar quarter beginning January 1, 1993, in case of failure to file the quarterly report of wages containing all the required information within the time prescribed by this section, there shall be assessed a forfeiture amounting to twenty five one hundredths of one per cent of the total remuneration paid by the employer, provided such forfeiture shall be not less than thirty nor more than five hundred dollars per quarterly report of wages. The director may waive the forfeiture only if the employer provides to the director a written statement~~ 9337  
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~~showing good cause for failure to file the required quarterly  
report of wages.~~ 9346  
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~~(C) Effective with the calendar quarter beginning April 1,  
1987, every employer liable for payments in lieu of contributions  
shall file a quarterly payroll report and a quarterly report of  
wages. The employer shall file the quarterly reports no later than  
the last day of the first month following the close of the  
calendar quarter for which the quarterly reports are being filed.  
The employer shall enter on the quarterly payroll report the total  
remuneration paid to all employees during the quarter and the  
total wages that would have been taxable had the employer been  
subject to contributions. The employer shall enter on the  
quarterly report of wages the name and social security number of  
each individual employed during the calendar quarter, the total  
remuneration paid the individual, the number of weeks during the  
quarter for which the individual was paid remuneration, and any  
other information as required by section 1137 of the "Social  
Security Act."~~ 9348  
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~~Effective until the calendar quarter beginning January 1,  
1993, in case of failure to file the quarterly payroll report or  
the report of wages containing all of the required payroll or wage  
information within the time prescribed by this section, the  
employer shall be assessed a forfeiture of twenty five dollars per  
report. The director may waive the forfeiture only with respect to  
the report of wages, and such waiver may be approved only if the  
employer shows good cause for failure to file the required  
information.~~ 9364  
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~~Effective with the calendar quarter beginning January 1,  
1993, in case of failure to file the quarterly payroll report  
containing all the required wage information within the time  
prescribed by this section, the employer shall be assessed a  
forfeiture amounting to twenty five one hundredths of one per cent~~ 9373  
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~~of the total remuneration paid by the employer, provided such 9378  
forfeiture shall not be less than thirty nor more than five 9379  
hundred dollars per quarterly payroll report. The director may 9380  
waive the forfeiture only if the employer provides to the director 9381  
a written statement showing good cause for failure to file the 9382  
required quarterly payroll report. 9383~~

~~Effective with the calendar quarter beginning January 1, 9384  
1993, in case of failure to file the quarterly report of wages 9385  
containing all the required information within the time prescribed 9386  
by this section, there shall be assessed a forfeiture amounting to 9387  
twenty five one hundredths of one per cent of the total 9388  
remuneration paid by the employer, provided such forfeiture shall 9389  
be not less than thirty nor more than five hundred dollars per 9390  
quarterly report of wages. The director may waive the forfeiture 9391  
only if the employer provides to the director a written statement 9392  
showing good cause for failure to file the required quarterly 9393  
report of wages. 9394~~

~~(D) Effective with the calendar quarter beginning January 1, 9395  
2002, every Every contributory employer shall file a quarterly 9396  
contribution and wage report. The quarterly report shall be filed 9397  
not later than the last day of the first month following the close 9398  
of the calendar quarter for which the quarterly report is being 9399  
filed. The employer shall enter on the quarterly report the total 9400  
and taxable remuneration paid to all employees during the quarter, 9401  
the name and social security number of each individual employed 9402  
during the calendar quarter, the total remuneration paid the 9403  
individual, the number of weeks during the quarter for which the 9404  
individual was paid remuneration, and any other information as 9405  
required by section 1137 of the "Social Security Act." 9406~~

~~Effective with the calendar quarter beginning January 1, 9407  
2002, in In case of failure to properly file the quarterly 9408  
contribution and wage report containing all the required 9409~~

contribution and wage information within the time prescribed by 9410  
this section, the director shall assess a forfeiture amounting to 9411  
twenty-five one-hundredths of one per cent of the total 9412  
remuneration reported by the employer, provided such forfeiture 9413  
shall not be less than fifty nor more than one thousand dollars. 9414

~~(E) Effective with the calendar quarter beginning January 1,~~ 9415  
~~2002, every~~ (C) Every employer liable for payments in lieu of 9416  
contributions shall file a quarterly payroll and wage report. The 9417  
quarterly report shall be filed not later than the last day of the 9418  
first month following the close of the calendar quarter for which 9419  
the quarterly report is being filed. The employer shall enter on 9420  
the quarterly report the total remuneration paid to all employees 9421  
during the quarter, the total wages that would have been taxable 9422  
had the employer been subject to contributions, the name and 9423  
social security number of each individual employed during the 9424  
calendar quarter, the total remuneration paid the individual, the 9425  
number of weeks during the quarter for which the individual was 9426  
paid remuneration, and any other information as required by 9427  
section 1137 of the "Social Security Act." 9428

~~Effective with the calendar quarter beginning January 1,~~ 9429  
~~2002, in~~ In case of failure to properly file the quarterly payroll 9430  
and wage report containing all the required payroll and wage 9431  
information within the time prescribed by this section, the 9432  
director shall assess a forfeiture amounting to twenty-five 9433  
one-hundredths of one per cent of the total remuneration reported 9434  
by the employer, provided such forfeiture shall not be less than 9435  
fifty nor more than one thousand dollars. 9436

~~(F)~~(D) The director may waive a forfeiture assessed under 9437  
division ~~(D)~~(B) or ~~(E)~~(C) of this section if the employer provides 9438  
to the director, within four years after the date the forfeiture 9439  
was assessed, a written statement showing good cause for failure 9440  
to properly file the required information. 9441



~~(G)~~(E) The director shall furnish the form or forms on which 9442  
quarterly reports required under this section are to be submitted, 9443  
or the employer may use other methods of reporting, including 9444  
electronic information transmission methods, as approved by the 9445  
director. 9446

~~(H)~~(F) All forfeitures required by this section shall be paid 9447  
into the unemployment compensation special administrative fund as 9448  
provided in section 4141.11 of the Revised Code. 9449

**Sec. 4141.25.** (A) The director of job and family services 9450  
shall determine as of each computation date the contribution rate 9451  
of each contributing employer subject to this chapter for the next 9452  
succeeding contribution period. The director shall determine a 9453  
standard rate of contribution or an experience rate for each 9454  
contributing employer. Once a rate of contribution has been 9455  
established under this section for a contribution period, except 9456  
as provided in division (D) of section 4141.26 of the Revised 9457  
Code, that rate shall remain effective throughout such 9458  
contribution period. The rate of contribution shall be determined 9459  
in accordance with the following requirements: 9460

(1) An employer whose experience does not meet the terms of 9461  
division (A)(2) of this section shall be assigned a standard rate 9462  
of contribution. Effective for contribution periods beginning on 9463  
and after January 1, 1998, an employer's standard rate of 9464  
contribution shall be a rate of two and seven-tenths per cent, 9465  
except that the rate for employers engaged in the construction 9466  
industry shall be the average contribution rate computed for the 9467  
construction industry or a rate of two and seven-tenths per cent, 9468  
whichever is greater. The standard rate set forth in this division 9469  
shall be applicable to a nonprofit organization whose election to 9470  
make payments in lieu of contributions is voluntarily terminated 9471  
or canceled by the director under section 4141.241 of the Revised 9472

Code, and thereafter pays contributions as required by this 9473  
section. If such nonprofit organization had been a contributory 9474  
employer prior to its election to make payments in lieu of 9475  
contributions, then any prior balance in the contributory account 9476  
shall become part of the reactivated account. 9477

As used in division (A) of this section, "the average 9478  
contribution rate computed for the construction industry" means 9479  
the most recent annual average rate attributable to the 9480  
construction industry as prescribed by the director. 9481

(2) A contributing employer subject to this chapter shall 9482  
qualify for an experience rate only if there have been four 9483  
consecutive quarters, ending on the thirtieth day of June 9484  
immediately prior to the computation date, throughout which the 9485  
employer's account was chargeable with benefits. Upon meeting the 9486  
qualifying requirements provided in division (A)(2) of this 9487  
section, the director shall calculate the total credits to each 9488  
employer's account consisting of the contributions other than 9489  
mutualized contributions including all contributions paid prior to 9490  
the computation date for all past periods plus: 9491

(a) The contributions owing on the computation date that are 9492  
paid within thirty days after the computation date, and credited 9493  
to the employer's account; 9494

(b) All voluntary contributions paid by an employer pursuant 9495  
to division (B) of section 4141.24 of the Revised Code. 9496

(3) The director also shall determine the benefits which are 9497  
chargeable to each employer's account and which were paid prior to 9498  
the computation date with respect to weeks of unemployment ending 9499  
prior to the computation date. The director then shall determine 9500  
the positive or negative balance of each employer's account by 9501  
calculating the excess of such contributions and interest over the 9502  
benefits chargeable, or the excess of such benefits over such 9503

contributions and interest. Any resulting negative balance then 9504  
shall be subject to adjustment as provided in division (A)(2) of 9505  
section 4141.24 of the Revised Code after which the positive or 9506  
negative balance shall be expressed in terms of a percentage of 9507  
the employer's average annual payroll. If the total standing to 9508  
the credit of an employer's account exceeds the total charges, as 9509  
provided in this division, the employer has a positive balance and 9510  
if such charges exceed such credits the employer has a negative 9511  
balance. Each employer's contribution rate shall then be 9512  
determined in accordance with the following schedule: 9513

Contribution Rate Schedule 9514

If, as of the computation date	The employer's	
the contribution rate balance of	contribution rate for	
an employer's account as a	the next succeeding	
percentage of the employer's	contribution period	
average annual payroll is	shall be	
(a) A negative balance of:		9520
20.0% or more	6.5%	9521
19.0% but less than 20.0%	6.4%	9522
17.0% but less than 19.0%	6.3%	9523
15.0% but less than 17.0%	6.2%	9524
13.0% but less than 15.0%	6.1%	9525
11.0% but less than 13.0%	6.0%	9526
9.0% but less than 11.0%	5.9%	9527
5.0% but less than 9.0%	5.7%	9528
4.0% but less than 5.0%	5.5%	9529
3.0% but less than 4.0%	5.3%	9530
2.0% but less than 3.0%	5.1%	9531
1.0% but less than 2.0%	4.9%	9532
more than 0.0% but less than	4.8%	9533
1.0%		
(b) A 0.0% or a positive		9534
balance of less than 1.0%	4.7%	9535

(c) A positive balance of:		9536
1.0% or more, but less than 1.5%	4.6%	9537
1.5% or more, but less than 2.0%	4.5%	9538
2.0% or more, but less than 2.5%	4.3%	9539
2.5% or more, but less than 3.0%	4.0%	9540
3.0% or more, but less than 3.5%	3.8%	9541
3.5% or more, but less than 4.0%	3.5%	9542
4.0% or more, but less than 4.5%	3.3%	9543
4.5% or more, but less than 5.0%	3.0%	9544
5.0% or more, but less than 5.5%	2.8%	9545
5.5% or more, but less than 6.0%	2.5%	9546
6.0% or more, but less than 6.5%	2.2%	9547
6.5% or more, but less than 7.0%	2.0%	9548
7.0% or more, but less than 7.5%	1.8%	9549
7.5% or more, but less than 8.0%	1.6%	9550
8.0% or more, but less than 8.5%	1.4%	9551
8.5% or more, but less than 9.0%	1.3%	9552
9.0% or more, but less than 9.5%	1.1%	9553
9.5% or more, but less than 10.0%	1.0%	9554
10.0% or more, but less than 10.5%	.9%	9555
10.5% or more, but less than 11.0%	.7%	9556
11.0% or more, but less than 11.5%	.6%	9557
11.5% or more, but less than 12.0%	.5%	9558
12.0% or more, but less than 12.5%	.4%	9559
12.5% or more, but less than 13.0%	.3%	9560
13.0% or more, but less than	.2%	9561

14.0%

14.0% or more .1% 9562

(d) The contribution rates shall be as specified in divisions 9563  
(a), (b), and (c) of the contribution rate schedule except that 9564  
notwithstanding the amendments made to division (a) of the 9565  
contribution rate schedule in this section, if, as of the 9566  
computation date: for 1991, the negative balance is 5.0% or more, 9567  
the contribution rate shall be 5.7%; for 1992, if the negative 9568  
balance is 11.0% or more, the contribution rate shall be 6.0%; and 9569  
for 1993, if the negative balance is 17.0% or more, the 9570  
contribution rate shall be 6.3%. Thereafter, the contribution 9571  
rates shall be as specified in the contribution rate schedule. 9572

(B)(1) The director shall establish and maintain a separate 9573  
account to be known as the "mutualized account." As of each 9574  
computation date there shall be charged to this account: 9575

(a) As provided in division (A)(2) of section 4141.24 of the 9576  
Revised Code, an amount equal to the sum of that portion of the 9577  
negative balances of employer accounts which exceeds the 9578  
applicable limitations as such balances are computed under 9579  
division (A) of this section as of such date; 9580

(b) An amount equal to the sum of the negative balances 9581  
remaining in employer accounts which have been closed during the 9582  
year immediately preceding such computation date pursuant to 9583  
division (E) of section 4141.24 of the Revised Code; 9584

(c) An amount equal to the sum of all benefits improperly 9585  
paid preceding such computation date which are not recovered but 9586  
which are not charged to an employer's account, or which after 9587  
being charged, are credited back to an employer's account; 9588

(d) An amount equal to the sum of any other benefits paid 9589  
preceding such computation date which, under this chapter, are not 9590  
chargeable to an employer's account; 9591

(e) An amount equal to the sum of any refunds made during the year immediately preceding such computation date of erroneously collected mutualized contributions required by this division which were previously credited to this account;

(f) An amount equal to the sum of any repayments made to the federal government during the year immediately preceding such computation date of amounts which may have been advanced by it to the unemployment compensation fund under section 1201 of the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301;

(g) Any amounts appropriated by the general assembly out of funds paid by the federal government, under section 903 of the "Social Security Act," to the account of this state in the federal unemployment trust fund.

(2) As of every computation date there shall be credited to the mutualized account provided for in this division:

(a) The proceeds of the mutualized contributions as provided in this division;

(b) Any positive balances remaining in employer accounts which are closed as provided in division (E) of section 4141.24 of the Revised Code;

(c) Any benefits improperly paid which are recovered but which cannot be credited to an employer's account;

(d) All amounts which may be paid by the federal government under section 903 of the "Social Security Act" to the account of this state in the federal unemployment trust fund;

(e) Amounts advanced by the federal government to the account of this state in the federal unemployment trust fund under section 1201 of the "Social Security Act" to the extent such advances have been repaid to or recovered by the federal government;

(f) Interest credited to the Ohio unemployment trust fund as

deposited with the secretary of the treasury of the United States; 9622

(g) Amounts deposited into the unemployment compensation fund 9623  
for penalties collected pursuant to division (A)(4) of section 9624  
4141.35 of the Revised Code. 9625

(3) Annually, as of the computation date, the director shall 9626  
determine the total credits and charges made to the mutualized 9627  
account during the preceding twelve months and the overall 9628  
condition of the account. The director shall issue an annual 9629  
statement containing this information and such other information 9630  
as the director deems pertinent, including a report that the sum 9631  
of the balances in the mutualized account, employers' accounts, 9632  
and any subsidiary accounts equal the balance in the state's 9633  
unemployment trust fund maintained under section 904 of the 9634  
"Social Security Act." 9635

(4) As used in this division: 9636

(a) "Fund as of the computation date" means as of any 9637  
computation date, the aggregate amount of the unemployment 9638  
compensation fund, including all contributions owing on the 9639  
computation date that are paid within thirty days thereafter, all 9640  
payments in lieu of contributions that are paid within sixty days 9641  
after the computation date, all reimbursements of the federal 9642  
share of extended benefits described in section 4141.301 of the 9643  
Revised Code that are owing on the computation date, and all 9644  
interest earned by the fund and received on or before the 9645  
computation date from the federal government. 9646

(b) "Minimum safe level" means an amount equal to two 9647  
standard deviations above the average of the adjusted annual 9648  
average unemployment compensation benefit payment from 1970 to the 9649  
most recent calendar year prior to the computation date, as 9650  
determined by the director pursuant to division (B)(4)(b) of this 9651  
section. To determine the adjusted annual payment of unemployment 9652

compensation benefits, the director first shall multiply the 9653  
number of weeks compensated during each calendar year beginning 9654  
with 1970 by the most recent annual average weekly unemployment 9655  
compensation benefit payment and then compute the average and 9656  
standard deviation of the resultant products. 9657

(c) "Annual average weekly unemployment compensation benefit 9658  
payment" means the amount resulting from dividing the unemployment 9659  
compensation benefits paid from the benefit account maintained 9660  
within the unemployment compensation fund pursuant to section 9661  
4141.09 of the Revised Code, by the number of weeks compensated 9662  
during the same time period. 9663

(5) If, as of any computation date, the charges to the 9664  
mutualized account during the entire period subsequent to the 9665  
computation date, July 1, 1966, made in accordance with division 9666  
(B)(1) of this section, exceed the credits to such account 9667  
including mutualized contributions during such period, made in 9668  
accordance with division (B)(2) of this section, the amount of 9669  
such excess charges shall be recovered during the next 9670  
contribution period. To recover such amount, the director shall 9671  
compute the percentage ratio of such excess charges to the average 9672  
annual payroll of all employers eligible for an experience rate 9673  
under division (A) of this section. The percentage so determined 9674  
shall be computed to the nearest tenth of one per cent and shall 9675  
be an additional contribution rate to be applied to the wages paid 9676  
by each employer whose rate is computed under the provisions of 9677  
division (A) of this section in the contribution period next 9678  
following such computation date, but such percentage shall not 9679  
exceed five-tenths of one per cent; however, when there are any 9680  
excess charges in the mutualized account, as computed in this 9681  
division, then the mutualized contribution rate shall not be less 9682  
than one-tenth of one per cent. 9683

(6) If the fund as of the computation date is above or below 9684



minimum safe level, the contribution rates provided for in each 9685  
classification in division (A)(3) of this section for the next 9686  
contribution period shall be adjusted as follows: 9687

(a) If the fund is thirty per cent or more above minimum safe 9688  
level, the contribution rates provided in division (A)(3) of this 9689  
section shall be decreased two-tenths of one per cent. 9690

(b) If the fund is more than fifteen per cent but less than 9691  
thirty per cent above minimum safe level, the contribution rates 9692  
provided in division (A)(3) of this section shall be decreased 9693  
one-tenth of one per cent. 9694

(c) If the fund is more than fifteen per cent but less than 9695  
thirty per cent below minimum safe level, the contribution rates 9696  
of all employers shall be increased twenty-five one-thousandths of 9697  
one per cent plus a per cent increase calculated and rounded 9698  
pursuant to division (B)(6)(g) of this section. 9699

(d) If the fund is more than thirty per cent but less than 9700  
forty-five per cent below minimum safe level, the contribution 9701  
rates of all employers shall be increased seventy-five 9702  
one-thousandths of one per cent plus a per cent increase 9703  
calculated and rounded pursuant to division (B)(6)(g) of this 9704  
section. 9705

(e) If the fund is more than forty-five per cent but less 9706  
than sixty per cent below minimum safe level, the contribution 9707  
rates of all employers shall be increased one-eighth of one per 9708  
cent plus a per cent increase calculated and rounded pursuant to 9709  
division (B)(6)(g) of this section. 9710

(f) If the fund is sixty per cent or more below minimum safe 9711  
level, the contribution rates of all employers shall be increased 9712  
two-tenths of one per cent plus a per cent increase calculated and 9713  
rounded pursuant to division (B)(6)(g) of this section. 9714

(g) The additional per cent increase in contribution rates 9715

required by divisions (B)(6)(c), (d), (e), and (f) of this section 9716  
that is payable by each individual employer shall be calculated in 9717  
the following manner. The flat rate increase required by a 9718  
particular division shall be multiplied by three and the product 9719  
divided by the average experienced-rated contribution rate for all 9720  
employers as determined by the director for the most recent 9721  
calendar year. The resulting quotient shall be multiplied by an 9722  
individual employer's contribution rate determined pursuant to 9723  
division (A)(3) of this section. The resulting product shall be 9724  
rounded to the nearest tenth of one per cent, added to the flat 9725  
rate increase required by division (B)(6)(c), (d), (e), or (f) of 9726  
this section, as appropriate, and the total shall be rounded to 9727  
the nearest tenth of one per cent. As used in division (B)(6)(g) 9728  
of this section, the "average experienced-rated contribution rate" 9729  
means the most recent annual average contribution rate reported by 9730  
the director contained in report RS 203.2 less the mutualized and 9731  
minimum safe level contribution rates included in such rate. 9732

(h) If any of the increased contribution rates of division 9733  
(B)(6)(c), (d), (e), or (f) of this section are imposed, the rate 9734  
shall remain in effect for the calendar year in which it is 9735  
imposed and for each calendar year thereafter until the director 9736  
determines as of the computation date for calendar year 1991 and 9737  
as of the computation date for any calendar year thereafter 9738  
pursuant to this section, that the level of the unemployment 9739  
compensation fund equals or exceeds the minimum safe level as 9740  
defined in division (B)(4)(b) of this section. Nothing in division 9741  
(B)(6)(h) of this section shall be construed as restricting the 9742  
imposition of the increased contribution rates provided in 9743  
divisions (B)(6)(c), (d), (e), and (f) of this section if the fund 9744  
falls below the percentage of the minimum safe level as specified 9745  
in those divisions. 9746

(7) The additional contributions required by division (B)(5) 9747

of this section shall be credited to the mutualized account. The 9748  
additional contributions required by division (B)(6) of this 9749  
section shall be credited fifty per cent to individual employer 9750  
accounts and fifty per cent to the mutualized account. 9751

(C) If an employer makes a payment of contributions which is 9752  
less than the full amount required by this section and sections 9753  
4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, and 9754  
4141.27 of the Revised Code, such partial payment shall be applied 9755  
first against the mutualized contributions required under this 9756  
chapter. Any remaining partial payment shall be credited to the 9757  
employer's individual account. 9758

(D) Whenever there are any increases in contributions 9759  
resulting from an increase in wages subject to contributions as 9760  
defined in division (G) of section 4141.01 of the Revised Code, or 9761  
from an increase in the mutualized rate of contributions provided 9762  
in division (B) of this section, or from a revision of the 9763  
contribution rate schedule provided in division (A) of this 9764  
section, except for that portion of the increase attributable to a 9765  
change in the positive or negative balance in an employer's 9766  
account, which increases become effective after a contract for the 9767  
construction of real property, as defined in section 5701.02 of 9768  
the Revised Code, has been entered into, the contractee upon 9769  
written notice by a prime contractor shall reimburse the 9770  
contractor for all increased contributions paid by the prime 9771  
contractor or by subcontractors upon wages for services performed 9772  
under the contract. Upon reimbursement by the contractee to the 9773  
prime contractor, the prime contractor shall reimburse each 9774  
subcontractor for the increased contributions. 9775

(E) Effective only for the contribution period beginning on 9776  
January 1, 1996, and ending on December 31, 1996, mutualized 9777  
contributions collected or received by the director pursuant to 9778  
division (B)(5) of this section and amounts credited to the 9779

mutualized account pursuant to division (B)(7) of this section 9780  
shall be deposited into or credited to the unemployment 9781  
compensation benefit reserve fund that is created under division 9782  
(F) of this section, except that amounts collected, received, or 9783  
credited in excess of two hundred million dollars shall be 9784  
deposited into or credited to the unemployment trust fund 9785  
established pursuant to section 4141.09 of the Revised Code. 9786

(F) The state unemployment compensation benefit reserve fund 9787  
is hereby created as a trust fund in the custody of the treasurer 9788  
of state and shall not be part of the state treasury. The fund 9789  
shall consist of all moneys collected or received as mutualized 9790  
contributions pursuant to division (B)(5) of this section and 9791  
amounts credited to the mutualized account pursuant to division 9792  
(B)(7) of this section as provided by division (E) of this 9793  
section. All moneys in the fund shall be used solely to pay 9794  
unemployment compensation benefits in the event that funds are no 9795  
longer available for that purpose from the unemployment trust fund 9796  
established pursuant to section 4141.09 of the Revised Code. 9797

(G) The balance in the unemployment compensation benefit 9798  
reserve fund remaining at the end of the contribution period 9799  
beginning January 1, 2000, and any mutualized contribution amounts 9800  
for the contribution period beginning on January 1, 1996, that may 9801  
be received after December 31, 2000, shall be deposited into the 9802  
unemployment trust fund established pursuant to section 4141.09 of 9803  
the Revised Code. Income earned on moneys in the state 9804  
unemployment compensation benefit reserve fund shall be available 9805  
for use by the director only for the purposes described in 9806  
division (I) of this section, and shall not be used for any other 9807  
purpose. 9808

(H) The unemployment compensation benefit reserve fund 9809  
balance shall be added to the unemployment trust fund balance in 9810  
determining the minimum safe level tax to be imposed pursuant to 9811

division (B) of this section and shall be included in the 9812  
mutualized account balance for the purpose of determining the 9813  
mutualized contribution rate pursuant to division (B)(5) of this 9814  
section. 9815

(I) All income earned on moneys in the unemployment 9816  
compensation benefit reserve fund from the investment of the fund 9817  
by the treasurer of state shall accrue to the department of job 9818  
and family services automation administration fund, which is 9819  
hereby established in the state treasury. Moneys within the 9820  
automation administration fund shall be used to meet the costs 9821  
related to automation of the department and the administrative 9822  
costs related to collecting and accounting for unemployment 9823  
compensation benefit reserve fund revenue. Any funds remaining in 9824  
the automation administration fund upon completion of the 9825  
department's automation projects that are funded by that fund 9826  
shall be deposited into the unemployment trust fund established 9827  
pursuant to section 4141.09 of the Revised Code. 9828

(J) The director shall prepare and submit monthly reports to 9829  
the unemployment compensation advisory commission with respect to 9830  
the status of efforts to collect and account for unemployment 9831  
compensation benefit reserve fund revenue and the costs related to 9832  
collecting and accounting for that revenue. The director shall 9833  
obtain approval from the unemployment compensation advisory 9834  
commission for expenditure of funds from the department of job and 9835  
family services automation administration fund. Funds may be 9836  
approved for expenditure for purposes set forth in division (I) of 9837  
this section only to the extent that federal or other funds are 9838  
not available. 9839

**Sec. 4141.26.** (A) As soon as practicable after the first day 9840  
of September but not later than the first day of December of each 9841  
year, the director of job and family services shall notify each 9842

employer of the employer's contribution rate as determined for the 9843  
next ensuing contribution period pursuant to section 4141.25 of 9844  
the Revised Code provided the employer has furnished the director, 9845  
by the first day of September following the computation date, with 9846  
the wage information for all past periods necessary for the 9847  
computation of the contribution rate. 9848

(B)(1) If an employer has not timely furnished the necessary 9849  
wage information as required by division (A) of this section, the 9850  
employer's contribution rate for such contribution period shall 9851  
not be computed as provided in section 4141.25 of the Revised 9852  
Code, but instead the employer shall be assigned a contribution 9853  
rate equal to one hundred twenty-five per cent of the maximum rate 9854  
provided in that section, with the following exceptions: 9855

~~(1)~~(a) If the employer files the necessary wage information 9856  
by the thirty-first day of December of the year immediately 9857  
preceding the contribution period for which the rate is to be 9858  
effective, the employer's rate shall be computed as provided in 9859  
division (A) of section 4141.25 of the Revised Code. 9860

~~(2)~~(b) The director shall revise the contribution rate of an 9861  
employer who has not timely furnished the necessary wage 9862  
information as required by division (A) of this section, who has 9863  
been assigned a contribution rate pursuant to division (B) of this 9864  
section, and who does not meet the requirements of division 9865  
(B)(1)(a) of this section, if the employer furnishes the necessary 9866  
wage information to the director within eighteen months following 9867  
the thirty-first day of December of the year immediately preceding 9868  
the contribution period for which the rate is to be effective. The 9869  
revised rate under division (B)~~(2)~~(1)(b) of this section shall be 9870  
equal to one hundred twenty per cent of the contribution rate that 9871  
would have resulted if the employer had timely furnished the 9872  
necessary wage information under division (A) of this section. 9873

(c) The director may waive the maximum contribution rate assigned pursuant to division (B) of this section if the failure to timely furnish the wage information as required by division (A) of this section was a result of circumstances beyond the control of the employer or the employer's agent.

(2) The director shall deny an employer's request for a revision of the employer's rate as provided in division (B)~~(2)~~(1)(b) of this section if the director finds that the employer's failure to timely file the necessary wage information was due to an attempt to evade payment.

(3) The director shall round the contribution rates the director determines under division (B) of this section to the nearest tenth of one per cent.

(4) The director shall adopt rules to prescribe requirements and procedures for requesting a waiver of the maximum contribution rate under division (B)(1)(c) of this section.

(C) If, as a result of the computation pursuant to division (B) of this section, the employer's account shows a negative balance in excess of the applicable limitations, in that computation, the excess above applicable limitations shall not be transferred from the account as provided in division (A)(2) of section 4141.24 of the Revised Code.

(D) The rate determined pursuant to this section and section 4141.25 of the Revised Code shall become binding upon the employer unless:

(1) The employer makes a voluntary contribution as provided in division (B) of section 4141.24 of the Revised Code, whereupon the director shall issue the employer a revised contribution rate notice if the contribution changes the employer's rate; or

(2) Within thirty days after the mailing of notice of the employer's rate or a revision of it to the employer's last known

address or, in the absence of mailing of such notice, within 9905  
thirty days after the delivery of such notice, the employer files 9906  
an application with the director for reconsideration of the 9907  
director's determination of such rate setting forth reasons for 9908  
such request. The director shall promptly examine the application 9909  
for reconsideration and shall notify the employer of the 9910  
director's reconsidered decision, which shall become final unless, 9911  
within thirty days after the mailing of such notice by certified 9912  
mail, return receipt requested, the employer files an application 9913  
for review of such decision with the unemployment compensation 9914  
review commission. The commission shall promptly examine the 9915  
application for review of the director's decision and shall grant 9916  
such employer an opportunity for a fair hearing. The proceeding at 9917  
the hearing before the commission shall be recorded in the means 9918  
and manner prescribed by the commission. For the purposes of this 9919  
division, the review is considered timely filed when it has been 9920  
received as provided in division (D)(1) of section 4141.281 of the 9921  
Revised Code. 9922

The employer and the director shall be promptly notified of 9923  
the commission's decision, which shall become final unless, within 9924  
thirty days after the mailing of notice of it to the employer's 9925  
last known address by certified mail, return receipt requested, 9926  
or, in the absence of mailing, within thirty days after delivery 9927  
of such notice, an appeal is taken by the employer or the director 9928  
to the court of common pleas of Franklin county. Such appeal shall 9929  
be taken by the employer or the director by filing a notice of 9930  
appeal with the clerk of such court and with the commission. Such 9931  
notice of appeal shall set forth the decision appealed and the 9932  
errors in it complained of. Proof of the filing of such notice 9933  
with the commission shall be filed with the clerk of such court. 9934

The commission, upon written demand filed by the appellant 9935  
and within thirty days after the filing of such demand, shall file 9936



with the clerk a certified transcript of the record of the 9937  
proceedings before the commission pertaining to the determination 9938  
or order complained of, and the appeal shall be heard upon such 9939  
record certified to the commission. In such appeal, no additional 9940  
evidence shall be received by the court, but the court may order 9941  
additional evidence to be taken before the commission, and the 9942  
commission, after hearing such additional evidence, shall certify 9943  
such additional evidence to the court or it may modify its 9944  
determination and file such modified determination, together with 9945  
the transcript of the additional record, with the court. After an 9946  
appeal has been filed in the court, the commission, by petition, 9947  
may be made a party to such appeal. Such appeal shall be given 9948  
precedence over other civil cases. The court may affirm the 9949  
determination or order complained of in the appeal if it finds, 9950  
upon consideration of the entire record, that the determination or 9951  
order is supported by reliable, probative, and substantial 9952  
evidence and is in accordance with law. In the absence of such a 9953  
finding, it may reverse, vacate, or modify the determination or 9954  
order or make such other ruling as is supported by reliable, 9955  
probative, and substantial evidence and is in accordance with law. 9956  
The judgment of the court shall be final and conclusive unless 9957  
reversed, vacated, or modified on appeal. An appeal may be taken 9958  
from the decision of the court of common pleas of Franklin county. 9959

(E) The appeal provisions of division (D) of this section 9960  
apply to all other determinations and orders of the director 9961  
affecting the liability of an employer to pay contributions or the 9962  
amount of such contributions, determinations respecting 9963  
application for refunds of contributions, determinations 9964  
respecting applications for classification of employment as 9965  
seasonal under section 4141.33 of the Revised Code, and exceptions 9966  
to charges of benefits to an employer's account as provided in 9967  
division (D) of section 4141.24 of the Revised Code. 9968

(F) The validity of any general order or rule of the director 9969  
adopted pursuant to this chapter or of any final order or action 9970  
of the unemployment compensation review commission respecting any 9971  
such general order or rule may be determined by the court of 9972  
common pleas of Franklin county, and such general order, rule, or 9973  
action may be sustained or set aside by the court on an appeal to 9974  
it which may be taken by any person affected by the order, rule, 9975  
or action in the manner provided by law. Such appeal to the court 9976  
of common pleas of Franklin county shall be filed within thirty 9977  
days after the date such general order, rule, or action was 9978  
publicly released by the director or the commission. Either party 9979  
to such action may appeal from the court of common pleas of 9980  
Franklin county as in ordinary civil cases. 9981

(G) Notwithstanding any determination made in pursuance of 9982  
sections 4141.23 to 4141.26 of the Revised Code, no individual who 9983  
files a claim for benefits shall be denied the right to a fair 9984  
hearing as provided in section 4141.281 of the Revised Code, or 9985  
the right to have a claim determined on the merits of it. 9986

(H)(1) Notwithstanding division (D) of this section, if the 9987  
director finds that an omission or error in the director's records 9988  
or employer reporting caused the director to issue an erroneous 9989  
determination or order affecting contribution rates, the liability 9990  
of an employer to pay contributions or the amount of such 9991  
contributions, determinations respecting applications for refunds 9992  
of contributions, determinations respecting applications for 9993  
classification of seasonal status under section 4141.33 of the 9994  
Revised Code, or exceptions to charges of benefits to an 9995  
employer's account as provided in division (D) of section 4141.24 9996  
of the Revised Code, the director may issue a corrected 9997  
determination or order correcting the erroneous determination or 9998  
order, except as provided in division (H)(2) of this section. 9999

(2) The director may not issue a corrected determination or 10000

order correcting an erroneous determination or order if both of 10001  
the following apply: 10002

(a) The erroneous determination or order was caused solely by 10003  
an omission or error of the director; 10004

(b) A correction of the erroneous determination or order 10005  
would adversely affect the employer or any of the employers that 10006  
were parties in interest to the erroneous determination or order. 10007

A corrected determination or order issued under this division 10008  
takes precedence over and renders void the erroneous determination 10009  
or order and is appealable as provided in division (D) of this 10010  
section. 10011

**Sec. 4141.28.** 10012

BENEFITS 10013

(A) FILINGS 10014

Applications for determination of benefit rights and claims 10015  
for benefits shall be filed with the director of job and family 10016  
services. Such applications and claims also may be filed with an 10017  
employee of another state or federal agency charged with the duty 10018  
of accepting applications and claims for unemployment benefits or 10019  
with an employee of the unemployment insurance commission of 10020  
Canada. 10021

Effective July 1, 2015, an individual shall file an 10022  
application for determination of benefit rights and a claim for 10023  
benefits by electronic means in a manner prescribed by the 10024  
director, except that no individual shall be required to file such 10025  
an application or claim by electronic means if one or more of the 10026  
following circumstances apply: 10027

(1) The individual is legally prohibited from using a 10028  
computer; 10029

(2) The individual has a physical or visual impairment that 10030

makes the individual unable to use a computer; 10031

(3) The individual has limited ability to read or write 10032  
effectively in a language in which the electronic application or 10033  
claim is available; 10034

(4) A disaster or emergency declared by the governor prevents 10035  
compliance with the electronic filing requirement. 10036

When an unemployed individual files an application for 10037  
determination of benefit rights, the director shall furnish the 10038  
individual with an explanation of the individual's appeal rights. 10039  
The explanation shall describe clearly the different levels of 10040  
appeal and explain where and when each appeal must be filed. 10041

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 10042

In filing an application, an individual shall furnish the 10043  
director with the name and address of the individual's most recent 10044  
separating employer and the individual's statement of the reason 10045  
for separation from the employer. The director shall promptly 10046  
notify the individual's most recent separating employer of the 10047  
filing and request the reason for the individual's unemployment, 10048  
unless that notice is not necessary under conditions the director 10049  
establishes by rule. The director may request from the individual 10050  
or any employer information necessary for the determination of the 10051  
individual's right to benefits. The employer shall provide the 10052  
information requested within ten working days after the request is 10053  
sent. If necessary to ensure prompt determination and payment of 10054  
benefits, the director shall base the determination on the 10055  
information that is available. 10056

An individual filing an application for determination of 10057  
benefit rights shall disclose, at the time of filing, whether or 10058  
not the individual owes child support obligations. 10059

(C) MASS LAYOFFS 10060

An employer who lays off or separates within any seven-day period fifty or more individuals because of lack of work shall furnish notice to the director of the dates of layoff or separation and the approximate number of individuals being laid off or separated. The notice shall be furnished at least three working days prior to the date of the first day of such layoff or separation. In addition, at the time of the layoff or separation the employer shall furnish to the individual and to the director information necessary to determine the individual's eligibility for unemployment compensation.

(D) DETERMINATION OF BENEFIT RIGHTS

The director shall promptly examine any application for determination of benefit rights. On the basis of the information available to the director under this chapter, the director shall determine whether or not the application is valid, and if valid, the date on which the benefit year shall commence and the weekly benefit amount. The director shall promptly notify the applicant, employers in the applicant's base period, and any other interested parties of the determination and the reasons for it. In addition, the determination issued to the claimant shall include the total amount of benefits payable. The determination issued to each chargeable base period employer shall include the total amount of benefits that may be charged to the employer's account.

(E) CLAIM FOR BENEFITS

The director shall examine the first claim and any additional claim for benefits. On the basis of the information available, the director shall determine whether the claimant's most recent separation and, to the extent necessary, prior separations from work, allow the claimant to qualify for benefits. Written notice of the determination granting or denying benefits shall be sent to the claimant, the most recent separating employer, and any other employer involved in the determination, except that written notice

is not required to be sent to the claimant if the reason for 10093  
separation is lack of work and the claim is allowed. 10094

If the director identifies an eligibility issue, the director 10095  
shall send notice to the claimant of the issue identified and 10096  
specify the week or weeks involved. The claimant has a minimum of 10097  
five business days after the notice is sent to respond to the 10098  
information included in the notice, and after the time allowed as 10099  
determined by the director, the director shall make a 10100  
determination. The claimant's response may include a request for a 10101  
fact-finding interview when the eligibility issue is raised by an 10102  
informant or source other than the claimant, or when the 10103  
eligibility issue, if determined adversely, disqualifies the 10104  
claimant for the duration of the claimant's period of 10105  
unemployment. 10106

When the determination of a continued claim for benefits 10107  
results in a disallowed claim, the director shall notify the 10108  
claimant of the disallowance and the reasons for it. 10109

(F) ELIGIBILITY NOTICE 10110

Any base period or subsequent employer of a claimant who has 10111  
knowledge of specific facts affecting the claimant's right to 10112  
receive benefits for any week may notify the director in writing 10113  
of those facts. The director shall prescribe a form for such 10114  
eligibility notice, but failure to use the form shall not preclude 10115  
the director's examination of any notice. 10116

To be considered valid, an eligibility notice must: contain 10117  
in writing, a statement that identifies either a source who has 10118  
firsthand knowledge of the information or an informant who can 10119  
identify the source; provide specific and detailed information 10120  
that may potentially disqualify the claimant; provide the name and 10121  
address of the source or the informant; and appear to the director 10122  
to be reliable and credible. 10123

An eligibility notice is timely filed if received or 10124  
postmarked prior to or within forty-five calendar days after the 10125  
end of the week with respect to which a claim for benefits is 10126  
filed by the claimant. An employer who timely files a valid 10127  
eligibility notice shall be an interested party to the claim for 10128  
benefits which is the subject of the notice. 10129

The director shall consider the information contained in the 10130  
eligibility notice, together with other available information. 10131  
After giving the claimant notice and an opportunity to respond, 10132  
the director shall make a determination and inform the notifying 10133  
employer, the claimant, and other interested parties of the 10134  
determination. 10135

(G) CORRECTED DETERMINATION 10136

If the director finds within the fifty-two calendar weeks 10137  
beginning with the Sunday of the week during which an application 10138  
for benefit rights was filed or within the benefit year that a 10139  
determination made by the director was erroneous due to an error 10140  
in an employer's report or any typographical or clerical error in 10141  
the director's determination, or as shown by correct remuneration 10142  
information received by the director, the director shall issue a 10143  
corrected determination to all interested parties. The corrected 10144  
determination shall take precedence over and void the prior 10145  
determination of the director. The director shall not issue a 10146  
corrected determination when the commission or a court has 10147  
jurisdiction with respect to that determination. 10148

(H) EFFECT OF COMMISSION DECISIONS 10149

In making determinations, the director shall follow decisions 10150  
of the unemployment compensation review commission which have 10151  
become final with respect to claimants similarly situated. 10152

(I) PROMPT PAYMENTS 10153

If benefits are allowed by the director, a hearing officer, 10154

the commission, or a court, the director shall pay benefits 10155  
promptly, notwithstanding any further appeal, provided that if 10156  
benefits are denied on appeal, of which the parties have notice 10157  
and an opportunity to be heard, the director shall withhold 10158  
payment of benefits pending a decision on any further appeal. 10159

**Sec. 4141.29.** Each eligible individual shall receive benefits 10160  
as compensation for loss of remuneration due to involuntary total 10161  
or partial unemployment in the amounts and subject to the 10162  
conditions stipulated in this chapter. 10163

(A) No individual is entitled to a waiting period or benefits 10164  
for any week unless the individual: 10165

(1) Has filed a valid application for determination of 10166  
benefit rights in accordance with section 4141.28 of the Revised 10167  
Code; 10168

(2) Has made a claim for benefits in accordance with section 10169  
4141.28 of the Revised Code; 10170

(3)(a) Has registered for work and thereafter continues to 10171  
report to an employment office or other registration place 10172  
maintained or designated by the director of job and family 10173  
services. Registration shall be made in accordance with the time 10174  
limits, frequency, and manner prescribed by the director. 10175

(b) For purposes of division (A)(3) of this section, an 10176  
individual has "registered" upon doing any of the following: 10177

(i) Filing an application for benefit rights; 10178

(ii) Making a weekly claim for benefits; 10179

(iii) Reopening an existing claim following a period of 10180  
employment or nonreporting. 10181

(c) After an applicant is registered, that registration 10182  
continues for a period of three calendar weeks, including the week 10183



during which the applicant registered. However, an individual is 10184  
not registered for purposes of division (A)(3) of this section 10185  
during any period in which the individual fails to report, as 10186  
instructed by the director, or fails to reopen an existing claim 10187  
following a period of employment. 10188

(d) The director may, for good cause, extend the period of 10189  
registration. 10190

(e) For purposes of this section, "report" means contact by 10191  
phone, access electronically, or be present for an in-person 10192  
appointment, as designated by the director. 10193

(4)(a)(i) Is able to work and available for suitable work 10194  
and, except as provided in division (A)(4)(a)(ii) or (iii) of this 10195  
section, is actively seeking suitable work either in a locality in 10196  
which the individual has earned wages subject to this chapter 10197  
during the individual's base period, or if the individual leaves 10198  
that locality, then in a locality where suitable work normally is 10199  
performed. 10200

(ii) The director may waive the requirement that a claimant 10201  
be actively seeking work when the director finds that the 10202  
individual has been laid off and the employer who laid the 10203  
individual off has notified the director within ten days after the 10204  
layoff, that work is expected to be available for the individual 10205  
within a specified number of days not to exceed forty-five 10206  
calendar days following the last day the individual worked. In the 10207  
event the individual is not recalled within the specified period, 10208  
this waiver shall cease to be operative with respect to that 10209  
layoff. 10210

(iii) The director may waive the requirement that a claimant 10211  
be actively seeking work if the director determines that the 10212  
individual has been laid off and the employer who laid the 10213  
individual off has notified the director in accordance with 10214

division (C) of section 4141.28 of the Revised Code that the 10215  
employer has closed the employer's entire plant or part of the 10216  
employer's plant for a purpose other than inventory or vacation 10217  
that will cause unemployment for a definite period not exceeding 10218  
twenty-six weeks beginning on the date the employer notifies the 10219  
director, for the period of the specific shutdown, if all of the 10220  
following apply: 10221

(I) The employer and the individuals affected by the layoff 10222  
who are claiming benefits under this chapter jointly request the 10223  
exemption. 10224

(II) The employer provides that the affected individuals 10225  
shall return to work for the employer within twenty-six weeks 10226  
after the date the employer notifies the director. 10227

(III) The director determines that the waiver of the active 10228  
search for work requirement will promote productivity and economic 10229  
stability within the state. 10230

(iv) Division (A)(4)(a)(iii) of this section does not exempt 10231  
an individual from meeting the other requirements specified in 10232  
division (A)(4)(a)(i) of this section to be able to work and 10233  
otherwise fully be available for work. An exemption granted under 10234  
division (A)(4)(a)(iii) of this section may be granted only with 10235  
respect to a specific plant closing. 10236

(b)(i) The individual shall be instructed as to the efforts 10237  
that the individual must make in the search for suitable work, 10238  
including that, within six months after ~~the effective date of this~~ 10239  
~~amendment~~ October 11, 2013, the individual shall register with 10240  
OhioMeansJobs, except in any of the following circumstances: 10241

(I) The individual is an individual described in division 10242  
(A)(4)(b)(iii) of this section; 10243

(II) Where the active search for work requirement has been 10244  
waived under division (A)(4)(a) of this section; 10245

(III) Where the active search for work requirement is considered to be met under division (A)(4)(c), (d), or (e) of this section.

(ii) An individual who is registered with OhioMeansJobs shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, the individual shall keep a record of the individual's work search efforts and shall produce that record in the manner and means prescribed by the director.

(iii) No individual shall be required to register with OhioMeansJobs if the individual is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which OhioMeansJobs is available.

(iv) As used in division (A)(4)(b) of this section:

(I) "OhioMeansJobs" means the electronic job placement system operated by the state.

(II) "Registration" includes the creation, electronic posting, and maintenance of an active, searchable resume.

(c) An individual who is attending a training course approved by the director meets the requirement of this division, if attendance was recommended by the director and the individual is regularly attending the course and is making satisfactory progress. An individual also meets the requirements of this division if the individual is participating and advancing in a training program, as defined in division (P) of section 5709.61 of the Revised Code, and if an enterprise, defined in division (B) of section 5709.61 of the Revised Code, is paying all or part of the cost of the individual's participation in the training program

with the intention of hiring the individual for employment as a 10277  
new employee, as defined in division (L) of section 5709.61 of the 10278  
Revised Code, for at least ninety days after the individual's 10279  
completion of the training program. 10280

(d) An individual who becomes unemployed while attending a 10281  
regularly established school and whose base period qualifying 10282  
weeks were earned in whole or in part while attending that school, 10283  
meets the availability and active search for work requirements of 10284  
division (A)(4)(a) of this section if the individual regularly 10285  
attends the school during weeks with respect to which the 10286  
individual claims unemployment benefits and makes self available 10287  
on any shift of hours for suitable employment with the 10288  
individual's most recent employer or any other employer in the 10289  
individual's base period, or for any other suitable employment to 10290  
which the individual is directed, under this chapter. 10291

(e) An individual who is a member in good standing with a 10292  
labor organization that refers individuals to jobs meets the 10293  
active search for work requirement specified in division (A)(4)(a) 10294  
of this section if the individual provides documentation that the 10295  
individual is eligible for a referral or placement upon request 10296  
and in a manner prescribed by the director. 10297

(f) Notwithstanding any other provisions of this section, no 10298  
otherwise eligible individual shall be denied benefits for any 10299  
week because the individual is in training approved under section 10300  
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 10301  
2296, nor shall that individual be denied benefits by reason of 10302  
leaving work to enter such training, provided the work left is not 10303  
suitable employment, or because of the application to any week in 10304  
training of provisions in this chapter, or any applicable federal 10305  
unemployment compensation law, relating to availability for work, 10306  
active search for work, or refusal to accept work. 10307

For the purposes of division (A)(4)(f) of this section, 10308

"suitable employment" means with respect to an individual, work of 10309  
a substantially equal or higher skill level than the individual's 10310  
past adversely affected employment, as defined for the purposes of 10311  
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 10312  
wages for such work at not less than eighty per cent of the 10313  
individual's average weekly wage as determined for the purposes of 10314  
that federal act. 10315

(5) Is unable to obtain suitable work. An individual who is 10316  
provided temporary work assignments by the individual's employer 10317  
under agreed terms and conditions of employment, and who is 10318  
required pursuant to those terms and conditions to inquire with 10319  
the individual's employer for available work assignments upon the 10320  
conclusion of each work assignment, is not considered unable to 10321  
obtain suitable employment if suitable work assignments are 10322  
available with the employer but the individual fails to contact 10323  
the employer to inquire about work assignments. 10324

(6) Participates in reemployment services, such as job search 10325  
assistance services, if the individual has been determined to be 10326  
likely to exhaust benefits under this chapter, including 10327  
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 10328  
extended compensation, and needs reemployment services pursuant to 10329  
the profiling system established by the director under division 10330  
(K) of this section, unless the director determines that: 10331

(a) The individual has completed such services; or 10332

(b) There is justifiable cause for the claimant's failure to 10333  
participate in such services. 10334

Ineligibility for failure to participate in reemployment 10335  
services as described in division (A)(6) of this section shall be 10336  
for the week or weeks in which the claimant was scheduled and 10337  
failed to participate without justifiable cause. 10338

(7) Participates in the reemployment and eligibility 10339

assessment program, or other reemployment services, as required by 10340  
the director. As used in division (A)(7) of this section, 10341  
"reemployment services" includes job search assistance activities, 10342  
skills assessments, and the provision of labor market statistics 10343  
or analysis. 10344

(a) For purposes of division (A)(7) of this section, 10345  
participation is required unless the director determines that 10346  
either of the following circumstances applies to the individual: 10347

(i) The individual has completed similar services. 10348

(ii) Justifiable cause exists for the failure of the 10349  
individual to participate in those services. 10350

(b) Within six months after ~~the effective date of this~~ 10351  
~~amendment~~ October 11, 2013, notwithstanding any earlier contact an 10352  
individual may have had with a local one-stop county office, 10353  
including as described in section 6301.08 of the Revised Code, 10354  
beginning with the eighth week after the week during which an 10355  
individual first files a valid application for determination of 10356  
benefit rights in the individual's benefit year, the individual 10357  
shall report to a local one-stop county office for reemployment 10358  
services in the manner prescribed by the director. 10359

(c) An individual whose active search for work requirement 10360  
has been waived under division (A)(4)(a) of this section or is 10361  
considered to be satisfied under division (A)(4)(c), (d), or (e) 10362  
of this section is exempt from the requirements of division (A)(7) 10363  
of this section. 10364

(B) An individual suffering total or partial unemployment is 10365  
eligible for benefits for unemployment occurring subsequent to a 10366  
waiting period of one week and no benefits shall be payable during 10367  
this required waiting period. Not more than one week of waiting 10368  
period shall be required of any individual in any benefit year in 10369  
order to establish the individual's eligibility for total or 10370

partial unemployment benefits. 10371

(C) The waiting period for total or partial unemployment 10372  
shall commence on the first day of the first week with respect to 10373  
which the individual first files a claim for benefits at an 10374  
employment office or other place of registration maintained or 10375  
designated by the director or on the first day of the first week 10376  
with respect to which the individual has otherwise filed a claim 10377  
for benefits in accordance with the rules of the department of job 10378  
and family services, provided such claim is allowed by the 10379  
director. 10380

(D) Notwithstanding division (A) of this section, no 10381  
individual may serve a waiting period or be paid benefits under 10382  
the following conditions: 10383

(1) For any week with respect to which the director finds 10384  
that: 10385

(a) The individual's unemployment was due to a labor dispute 10386  
other than a lockout at any factory, establishment, or other 10387  
premises located in this or any other state and owned or operated 10388  
by the employer by which the individual is or was last employed; 10389  
and for so long as the individual's unemployment is due to such 10390  
labor dispute. No individual shall be disqualified under this 10391  
provision if either of the following applies: 10392

(i) The individual's employment was with such employer at any 10393  
factory, establishment, or premises located in this state, owned 10394  
or operated by such employer, other than the factory, 10395  
establishment, or premises at which the labor dispute exists, if 10396  
it is shown that the individual is not financing, participating 10397  
in, or directly interested in such labor dispute; 10398

(ii) The individual's employment was with an employer not 10399  
involved in the labor dispute but whose place of business was 10400  
located within the same premises as the employer engaged in the 10401

dispute, unless the individual's employer is a wholly owned 10402  
subsidiary of the employer engaged in the dispute, or unless the 10403  
individual actively participates in or voluntarily stops work 10404  
because of such dispute. If it is established that the claimant 10405  
was laid off for an indefinite period and not recalled to work 10406  
prior to the dispute, or was separated by the employer prior to 10407  
the dispute for reasons other than the labor dispute, or that the 10408  
individual obtained a bona fide job with another employer while 10409  
the dispute was still in progress, such labor dispute shall not 10410  
render the employee ineligible for benefits. 10411

(b) The individual has been given a disciplinary layoff for 10412  
misconduct in connection with the individual's work. 10413

(2) For the duration of the individual's unemployment if the 10414  
director finds that: 10415

(a) The individual quit work without just cause or has been 10416  
discharged for just cause in connection with the individual's 10417  
work, provided division (D)(2) of this section does not apply to 10418  
the separation of a person under any of the following 10419  
circumstances: 10420

(i) Separation from employment for the purpose of entering 10421  
the armed forces of the United States if the individual is 10422  
inducted into the armed forces within one of the following 10423  
periods: 10424

(I) Thirty days after separation; 10425

(II) One hundred eighty days after separation if the 10426  
individual's date of induction is delayed solely at the discretion 10427  
of the armed forces. 10428

(ii) Separation from employment pursuant to a 10429  
labor-management contract or agreement, or pursuant to an 10430  
established employer plan, program, or policy, which permits the 10431  
employee, because of lack of work, to accept a separation from 10432



employment; 10433

(iii) The individual has left employment to accept a recall 10434  
from a prior employer or, except as provided in division 10435  
(D)(2)(a)(iv) of this section, to accept other employment as 10436  
provided under section 4141.291 of the Revised Code, or left or 10437  
was separated from employment that was concurrent employment at 10438  
the time of the most recent separation or within six weeks prior 10439  
to the most recent separation where the remuneration, hours, or 10440  
other conditions of such concurrent employment were substantially 10441  
less favorable than the individual's most recent employment and 10442  
where such employment, if offered as new work, would be considered 10443  
not suitable under the provisions of divisions (E) and (F) of this 10444  
section. Any benefits that would otherwise be chargeable to the 10445  
account of the employer from whom an individual has left 10446  
employment or was separated from employment that was concurrent 10447  
employment under conditions described in division (D)(2)(a)(iii) 10448  
of this section, shall instead be charged to the mutualized 10449  
account created by division (B) of section 4141.25 of the Revised 10450  
Code, except that any benefits chargeable to the account of a 10451  
reimbursing employer under division (D)(2)(a)(iii) of this section 10452  
shall be charged to the account of the reimbursing employer and 10453  
not to the mutualized account, except as provided in division 10454  
(D)(2) of section 4141.24 of the Revised Code. 10455

(iv) When an individual has been issued a definite layoff 10456  
date by the individual's employer and before the layoff date, the 10457  
individual quits to accept other employment, the provisions of 10458  
division (D)(2)(a)(iii) of this section apply and no 10459  
disqualification shall be imposed under division (D) of this 10460  
section. However, if the individual fails to meet the employment 10461  
and earnings requirements of division (A)(2) of section 4141.291 10462  
of the Revised Code, then the individual, pursuant to division 10463  
(A)(5) of this section, shall be ineligible for benefits for any 10464

week of unemployment that occurs prior to the layoff date. 10465

(b) The individual has refused without good cause to accept 10466  
an offer of suitable work when made by an employer either in 10467  
person or to the individual's last known address, or has refused 10468  
or failed to investigate a referral to suitable work when directed 10469  
to do so by a local employment office of this state or another 10470  
state, provided that this division shall not cause a 10471  
disqualification for a waiting week or benefits under the 10472  
following circumstances: 10473

(i) When work is offered by the individual's employer and the 10474  
individual is not required to accept the offer pursuant to the 10475  
terms of the labor-management contract or agreement; or 10476

(ii) When the individual is attending a training course 10477  
pursuant to division (A)(4) of this section except, in the event 10478  
of a refusal to accept an offer of suitable work or a refusal or 10479  
failure to investigate a referral, benefits thereafter paid to 10480  
such individual shall not be charged to the account of any 10481  
employer and, except as provided in division (B)(1)(b) of section 10482  
4141.241 of the Revised Code, shall be charged to the mutualized 10483  
account as provided in division (B) of section 4141.25 of the 10484  
Revised Code. 10485

(c) Such individual quit work to marry or because of marital, 10486  
parental, filial, or other domestic obligations. 10487

(d) The individual became unemployed by reason of commitment 10488  
to any correctional institution. 10489

(e) The individual became unemployed because of dishonesty in 10490  
connection with the individual's most recent or any base period 10491  
work. Remuneration earned in such work shall be excluded from the 10492  
individual's total base period remuneration and qualifying weeks 10493  
that otherwise would be credited to the individual for such work 10494  
in the individual's base period shall not be credited for the 10495

purpose of determining the total benefits to which the individual 10496  
is eligible and the weekly benefit amount to be paid under section 10497  
4141.30 of the Revised Code. Such excluded remuneration and 10498  
noncredited qualifying weeks shall be excluded from the 10499  
calculation of the maximum amount to be charged, under division 10500  
(D) of section 4141.24 and section 4141.33 of the Revised Code, 10501  
against the accounts of the individual's base period employers. In 10502  
addition, no benefits shall thereafter be paid to the individual 10503  
based upon such excluded remuneration or noncredited qualifying 10504  
weeks. 10505

For purposes of division (D)(2)(e) of this section, 10506  
"dishonesty" means the commission of substantive theft, fraud, or 10507  
deceitful acts. 10508

(E) No individual otherwise qualified to receive benefits 10509  
shall lose the right to benefits by reason of a refusal to accept 10510  
new work if: 10511

(1) As a condition of being so employed the individual would 10512  
be required to join a company union, or to resign from or refrain 10513  
from joining any bona fide labor organization, or would be denied 10514  
the right to retain membership in and observe the lawful rules of 10515  
any such organization. 10516

(2) The position offered is vacant due directly to a strike, 10517  
lockout, or other labor dispute. 10518

(3) The work is at an unreasonable distance from the 10519  
individual's residence, having regard to the character of the work 10520  
the individual has been accustomed to do, and travel to the place 10521  
of work involves expenses substantially greater than that required 10522  
for the individual's former work, unless the expense is provided 10523  
for. 10524

(4) The remuneration, hours, or other conditions of the work 10525  
offered are substantially less favorable to the individual than 10526

those prevailing for similar work in the locality. 10527

(F) Subject to the special exceptions contained in division 10528  
(A)(4)(f) of this section and section 4141.301 of the Revised 10529  
Code, in determining whether any work is suitable for a claimant 10530  
in the administration of this chapter, the director, in addition 10531  
to the determination required under division (E) of this section, 10532  
shall consider the degree of risk to the claimant's health, 10533  
safety, and morals, the individual's physical fitness for the 10534  
work, the individual's prior training and experience, the length 10535  
of the individual's unemployment, the distance of the available 10536  
work from the individual's residence, and the individual's 10537  
prospects for obtaining local work. 10538

(G) The "duration of unemployment" as used in this section 10539  
means the full period of unemployment next ensuing after a 10540  
separation from any base period or subsequent work and until an 10541  
individual has become reemployed in employment subject to this 10542  
chapter, or the unemployment compensation act of another state, or 10543  
of the United States, and until such individual has worked six 10544  
weeks and for those weeks has earned or been paid remuneration 10545  
equal to six times an average weekly wage of not less than: 10546  
eighty-five dollars and ten cents per week beginning on June 26, 10547  
1990; and beginning on and after January 1, 1992, twenty-seven and 10548  
one-half per cent of the statewide average weekly wage as computed 10549  
each first day of January under division (B)(3) of section 4141.30 10550  
of the Revised Code, rounded down to the nearest dollar, except 10551  
for purposes of division (D)(2)(c) of this section, such term 10552  
means the full period of unemployment next ensuing after a 10553  
separation from such work and until such individual has become 10554  
reemployed subject to the terms set forth above, and has earned 10555  
wages equal to one-half of the individual's average weekly wage or 10556  
sixty dollars, whichever is less. 10557

(H) If a claimant is disqualified under division (D)(2)(a), 10558

(c), or (d) of this section or found to be qualified under the 10559  
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 10560  
this section or division (A)(2) of section 4141.291 of the Revised 10561  
Code, then benefits that may become payable to such claimant, 10562  
which are chargeable to the account of the employer from whom the 10563  
individual was separated under such conditions, shall be charged 10564  
to the mutualized account provided in section 4141.25 of the 10565  
Revised Code, provided that no charge shall be made to the 10566  
mutualized account for benefits chargeable to a reimbursing 10567  
employer, except as provided in division (D)(2) of section 4141.24 10568  
of the Revised Code. In the case of a reimbursing employer, the 10569  
director shall refund or credit to the account of the reimbursing 10570  
employer any over-paid benefits that are recovered under division 10571  
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 10572  
other states, the United States, or Canada that are subject to 10573  
agreements and arrangements that are established pursuant to 10574  
section 4141.43 of the Revised Code shall be credited or 10575  
reimbursed according to the agreements and arrangements to which 10576  
the chargeable amounts are subject. 10577

(I)(1) Benefits based on service in employment as provided in 10578  
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 10579  
shall be payable in the same amount, on the same terms, and 10580  
subject to the same conditions as benefits payable on the basis of 10581  
other service subject to this chapter; except that after December 10582  
31, 1977: 10583

(a) Benefits based on service in an instructional, research, 10584  
or principal administrative capacity in an institution of higher 10585  
education, as defined in division (Y) of section 4141.01 of the 10586  
Revised Code; or for an educational institution as defined in 10587  
division (CC) of section 4141.01 of the Revised Code, shall not be 10588  
paid to any individual for any week of unemployment that begins 10589  
during the period between two successive academic years or terms, 10590

or during a similar period between two regular but not successive 10591  
terms or during a period of paid sabbatical leave provided for in 10592  
the individual's contract, if the individual performs such 10593  
services in the first of those academic years or terms and has a 10594  
contract or a reasonable assurance that the individual will 10595  
perform services in any such capacity for any such institution in 10596  
the second of those academic years or terms. 10597

(b) Benefits based on service for an educational institution 10598  
or an institution of higher education in other than an 10599  
instructional, research, or principal administrative capacity, 10600  
shall not be paid to any individual for any week of unemployment 10601  
which begins during the period between two successive academic 10602  
years or terms of the employing educational institution or 10603  
institution of higher education, provided the individual performed 10604  
those services for the educational institution or institution of 10605  
higher education during the first such academic year or term and, 10606  
there is a reasonable assurance that such individual will perform 10607  
those services for any educational institution or institution of 10608  
higher education in the second of such academic years or terms. 10609

If compensation is denied to any individual for any week 10610  
under division (I)(1)(b) of this section and the individual was 10611  
not offered an opportunity to perform those services for an 10612  
institution of higher education or for an educational institution 10613  
for the second of such academic years or terms, the individual is 10614  
entitled to a retroactive payment of compensation for each week 10615  
for which the individual timely filed a claim for compensation and 10616  
for which compensation was denied solely by reason of division 10617  
(I)(1)(b) of this section. An application for retroactive benefits 10618  
shall be timely filed if received by the director or the 10619  
director's deputy within or prior to the end of the fourth full 10620  
calendar week after the end of the period for which benefits were 10621  
denied because of reasonable assurance of employment. The 10622

provision for the payment of retroactive benefits under division 10623  
(I)(1)(b) of this section is applicable to weeks of unemployment 10624  
beginning on and after November 18, 1983. The provisions under 10625  
division (I)(1)(b) of this section shall be retroactive to 10626  
September 5, 1982, only if, as a condition for full tax credit 10627  
against the tax imposed by the "Federal Unemployment Tax Act," 53 10628  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 10629  
secretary of labor determines that retroactivity is required by 10630  
federal law. 10631

(c) With respect to weeks of unemployment beginning after 10632  
December 31, 1977, benefits shall be denied to any individual for 10633  
any week which commences during an established and customary 10634  
vacation period or holiday recess, if the individual performs any 10635  
services described in divisions (I)(1)(a) and (b) of this section 10636  
in the period immediately before the vacation period or holiday 10637  
recess, and there is a reasonable assurance that the individual 10638  
will perform any such services in the period immediately following 10639  
the vacation period or holiday recess. 10640

(d) With respect to any services described in division 10641  
(I)(1)(a), (b), or (c) of this section, benefits payable on the 10642  
basis of services in any such capacity shall be denied as 10643  
specified in division (I)(1)(a), (b), or (c) of this section to 10644  
any individual who performs such services in an educational 10645  
institution or institution of higher education while in the employ 10646  
of an educational service agency. For this purpose, the term 10647  
"educational service agency" means a governmental agency or 10648  
governmental entity that is established and operated exclusively 10649  
for the purpose of providing services to one or more educational 10650  
institutions or one or more institutions of higher education. 10651

(e) Any individual employed by a county board of 10652  
developmental disabilities shall be notified by the thirtieth day 10653  
of April each year if the individual is not to be reemployed the 10654

following academic year. 10655

(f) Any individual employed by a school district, other than 10656  
a municipal school district as defined in section 3311.71 of the 10657  
Revised Code, shall be notified by the first day of June each year 10658  
if the individual is not to be reemployed the following academic 10659  
year. 10660

(2) No disqualification will be imposed, between academic 10661  
years or terms or during a vacation period or holiday recess under 10662  
this division, unless the director or the director's deputy has 10663  
received a statement in writing from the educational institution 10664  
or institution of higher education that the claimant has a 10665  
contract for, or a reasonable assurance of, reemployment for the 10666  
ensuing academic year or term. 10667

(3) If an individual has employment with an educational 10668  
institution or an institution of higher education and employment 10669  
with a noneducational employer, during the base period of the 10670  
individual's benefit year, then the individual may become eligible 10671  
for benefits during the between-term, or vacation or holiday 10672  
recess, disqualification period, based on employment performed for 10673  
the noneducational employer, provided that the employment is 10674  
sufficient to qualify the individual for benefit rights separately 10675  
from the benefit rights based on school employment. The weekly 10676  
benefit amount and maximum benefits payable during a 10677  
disqualification period shall be computed based solely on the 10678  
nonschool employment. 10679

(J) Benefits shall not be paid on the basis of employment 10680  
performed by an alien, unless the alien had been lawfully admitted 10681  
to the United States for permanent residence at the time the 10682  
services were performed, was lawfully present for purposes of 10683  
performing the services, or was otherwise permanently residing in 10684  
the United States under color of law at the time the services were 10685  
performed, under section 212(d)(5) of the "Immigration and 10686



Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 10687

(1) Any data or information required of individuals applying 10688  
for benefits to determine whether benefits are not payable to them 10689  
because of their alien status shall be uniformly required from all 10690  
applicants for benefits. 10691

(2) In the case of an individual whose application for 10692  
benefits would otherwise be approved, no determination that 10693  
benefits to the individual are not payable because of the 10694  
individual's alien status shall be made except upon a 10695  
preponderance of the evidence that the individual had not, in 10696  
fact, been lawfully admitted to the United States. 10697

(K) The director shall establish and utilize a system of 10698  
profiling all new claimants under this chapter that: 10699

(1) Identifies which claimants will be likely to exhaust 10700  
regular compensation and will need job search assistance services 10701  
to make a successful transition to new employment; 10702

(2) Refers claimants identified pursuant to division (K)(1) 10703  
of this section to reemployment services, such as job search 10704  
assistance services, available under any state or federal law; 10705

(3) Collects follow-up information relating to the services 10706  
received by such claimants and the employment outcomes for such 10707  
claimant's subsequent to receiving such services and utilizes such 10708  
information in making identifications pursuant to division (K)(1) 10709  
of this section; and 10710

(4) Meets such other requirements as the United States 10711  
secretary of labor determines are appropriate. 10712

(L) Except as otherwise provided in division (A)(6) of this 10713  
section, ineligibility pursuant to division (A) of this section 10714  
shall begin on the first day of the week in which the claimant 10715  
becomes ineligible for benefits and shall end on the last day of 10716

the week preceding the week in which the claimant satisfies the 10717  
eligibility requirements. 10718

(M) The director may adopt rules that the director considers 10719  
necessary for the administration of division (A) of this section. 10720

**Sec. 4141.35.** (A) If the director of job and family services 10721  
finds that any fraudulent misrepresentation has been made by an 10722  
applicant for or a recipient of benefits with the object of 10723  
obtaining benefits to which the applicant or recipient was not 10724  
entitled, and in addition to any other penalty or forfeiture under 10725  
this chapter, then the director: 10726

(1) Shall within four years after the end of the benefit year 10727  
in which the fraudulent misrepresentation was made reject or 10728  
cancel such person's entire weekly claim for benefits that was 10729  
fraudulently claimed, or the person's entire benefit rights if the 10730  
misrepresentation was in connection with the filing of the 10731  
claimant's application for determination of benefit rights; 10732

(2) Shall by order declare that, for each application for 10733  
benefit rights and for each weekly claim canceled, such person 10734  
shall be ineligible for two otherwise valid weekly claims for 10735  
benefits, claimed within six years subsequent to the discovery of 10736  
such misrepresentation; 10737

(3) By order shall require that the total amount of benefits 10738  
rejected or canceled under division (A)(1) of this section be 10739  
repaid to the director before such person may become eligible for 10740  
further benefits, and shall withhold such unpaid sums from future 10741  
benefit payments accruing and otherwise payable to such claimant. 10742  
Effective with orders issued on or after January 1, 1993, if such 10743  
benefits are not repaid within thirty days after the director's 10744  
order becomes final, interest on the amount remaining unpaid shall 10745  
be charged to the person at a rate and calculated in the same 10746  
manner as provided under section 4141.23 of the Revised Code. When 10747

a person ordered to repay benefits has repaid all overpaid 10748  
benefits according to a plan approved by the director, the 10749  
director may cancel the amount of interest that accrued during the 10750  
period of the repayment plan. The director may take action in any 10751  
court of competent jurisdiction to collect benefits and interest 10752  
as provided in sections 4141.23 and 4141.27 of the Revised Code, 10753  
in regard to the collection of unpaid contributions, using the 10754  
final repayment order as the basis for such action. Except as 10755  
otherwise provided in this division, no administrative or legal 10756  
proceedings for the collection of such benefits or interest due, 10757  
or for the collection of a penalty under division (A)(4) of this 10758  
section, shall be initiated after the expiration of six years from 10759  
the date on which the director's order requiring repayment became 10760  
final and the amount of any benefits, penalty, or interest not 10761  
recovered at that time, and any liens thereon, shall be canceled 10762  
as uncollectible. The time limit for instituting proceedings shall 10763  
be extended by the period of any stay to the collection or by any 10764  
other time period to which the parties mutually agree. 10765

(4) Shall, for findings made on or after October 21, 2013, by 10766  
order assess a mandatory penalty on such a person in an amount 10767  
equal to twenty-five per cent of the total amount of benefits 10768  
rejected or canceled under division (A)(1) of this section. The 10769  
first sixty per cent of each penalty collected under division 10770  
(A)(4) of this section shall be deposited into the unemployment 10771  
compensation fund created under section 4141.09 of the Revised 10772  
Code, ~~and the~~ and shall be credited to the mutualized account, as 10773  
provided in division (B)(2)(g) of section 4141.25 of the Revised 10774  
Code. The remainder of each penalty collected shall be deposited 10775  
into the unemployment compensation special administrative fund 10776  
created under section 4141.11 of the Revised Code. 10777

(5) May take action to collect benefits fraudulently obtained 10778  
under the unemployment compensation law of any other state or the 10779

United States or Canada. Such action may be initiated in the 10780  
courts of this state in the same manner as provided for unpaid 10781  
contributions in section 4141.41 of the Revised Code. 10782

(6) May take action to collect benefits that have been 10783  
fraudulently obtained from the director, interest pursuant to 10784  
division (A)(3) of this section, and court costs, through 10785  
attachment proceedings under Chapter 2715. of the Revised Code and 10786  
garnishment proceedings under Chapter 2716. of the Revised Code. 10787

(B) If the director finds that an applicant for benefits has 10788  
been credited with a waiting period or paid benefits to which the 10789  
applicant was not entitled for reasons other than fraudulent 10790  
misrepresentation, the director shall: 10791

(1)(a) Within six months after the determination under which 10792  
the claimant was credited with that waiting period or paid 10793  
benefits becomes final pursuant to section 4141.28 of the Revised 10794  
Code, or within three years after the end of the benefit year in 10795  
which such benefits were claimed, whichever is later, by order 10796  
cancel such waiting period and require that such benefits be 10797  
repaid to the director or be withheld from any benefits to which 10798  
such applicant is or may become entitled before any additional 10799  
benefits are paid, provided that the repayment or withholding 10800  
shall not be required where the overpayment is the result of the 10801  
director's correcting a prior decision due to a typographical or 10802  
clerical error in the director's prior decision, or an error in an 10803  
employer's report under division (G) of section 4141.28 of the 10804  
Revised Code. 10805

(b) The limitation specified in division (B)(1)(a) of this 10806  
section shall not apply to cases involving the retroactive payment 10807  
of remuneration covering periods for which benefits were 10808  
previously paid to the claimant. However, in such cases, the 10809  
director's order requiring repayment shall not be issued unless 10810  
the director is notified of such retroactive payment within six 10811

months from the date the retroactive payment was made to the 10812  
claimant. 10813

(2) The director may, by reciprocal agreement with the United 10814  
States secretary of labor or another state, recover overpayment 10815  
amounts from unemployment benefits otherwise payable to an 10816  
individual under Chapter 4141. of the Revised Code. Any 10817  
overpayments made to the individual that have not previously been 10818  
recovered under an unemployment benefit program of the United 10819  
States may be recovered in accordance with section 303(g) of the 10820  
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 10821  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 10822  
3301 to 3311. 10823

(3) If the amounts required to be repaid under division (B) 10824  
of this section are not recovered within three years from the date 10825  
the director's order requiring payment became final, initiate no 10826  
further action to collect such benefits and the amount of any 10827  
benefits not recovered at that time shall be canceled as 10828  
uncollectible, provided that the time limit for collection shall 10829  
be extended by the period of any stay to the collection or by any 10830  
other time period to which the parties mutually agree. 10831

(C) The appeal provisions of sections 4141.281 and 4141.282 10832  
of the Revised Code shall apply to all orders and determinations 10833  
issued under this section, except that an individual's right of 10834  
appeal under division (B)(2) of this section shall be limited to 10835  
this state's authority to recover overpayment of benefits. 10836

(D) If an individual makes a full repayment or a repayment 10837  
that is less than the full amount required by this section, the 10838  
director shall apply the repayment to the mutualized account under 10839  
division (B) of section 4141.25 of the Revised Code, except that 10840  
the director shall credit the repayment to the accounts of the 10841  
individual's base period employers that previously have not been 10842  
credited for the amount of improperly paid benefits charged 10843

against their accounts based on the proportion of benefits charged 10844  
against the accounts as determined pursuant to division (D) of 10845  
section 4141.24 of the Revised Code. 10846

The director shall deposit any repayment collected under this 10847  
section that the director determines to be payment of interest or 10848  
court costs into the unemployment compensation special 10849  
administrative fund established pursuant to section 4141.11 of the 10850  
Revised Code. 10851

This division does not apply to ~~federal~~ any of the following: 10852

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 10853

(2) Unclaimed fund recoveries under section 131.024 of the 10854  
Revised Code; 10855

(3) Lottery award offsets under section 3770.073 of the 10856  
Revised Code; 10857

(4) State tax refund offsets under section 5747.12 of the 10858  
Revised Code. 10859

**Sec. 4511.191.** (A)(1) As used in this section: 10860

(a) "Physical control" has the same meaning as in section 10861  
4511.194 of the Revised Code. 10862

(b) "Alcohol monitoring device" means any device that 10863  
provides for continuous alcohol monitoring, any ignition interlock 10864  
device, any immobilizing or disabling device other than an 10865  
ignition interlock device that is constantly available to monitor 10866  
the concentration of alcohol in a person's system, or any other 10867  
device that provides for the automatic testing and periodic 10868  
reporting of alcohol consumption by a person and that a court 10869  
orders a person to use as a sanction imposed as a result of the 10870  
person's conviction of or plea of guilty to an offense. 10871

(2) Any person who operates a vehicle, streetcar, or 10872

trackless trolley upon a highway or any public or private property 10873  
used by the public for vehicular travel or parking within this 10874  
state or who is in physical control of a vehicle, streetcar, or 10875  
trackless trolley shall be deemed to have given consent to a 10876  
chemical test or tests of the person's whole blood, blood serum or 10877  
plasma, breath, or urine to determine the alcohol, drug of abuse, 10878  
controlled substance, metabolite of a controlled substance, or 10879  
combination content of the person's whole blood, blood serum or 10880  
plasma, breath, or urine if arrested for a violation of division 10881  
(A) or (B) of section 4511.19 of the Revised Code, section 10882  
4511.194 of the Revised Code or a substantially equivalent 10883  
municipal ordinance, or a municipal OVI ordinance. 10884

(3) The chemical test or tests under division (A)(2) of this 10885  
section shall be administered at the request of a law enforcement 10886  
officer having reasonable grounds to believe the person was 10887  
operating or in physical control of a vehicle, streetcar, or 10888  
trackless trolley in violation of a division, section, or 10889  
ordinance identified in division (A)(2) of this section. The law 10890  
enforcement agency by which the officer is employed shall 10891  
designate which of the tests shall be administered. 10892

(4) Any person who is dead or unconscious, or who otherwise 10893  
is in a condition rendering the person incapable of refusal, shall 10894  
be deemed to have consented as provided in division (A)(2) of this 10895  
section, and the test or tests may be administered, subject to 10896  
sections 313.12 to 313.16 of the Revised Code. 10897

(5)(a) If a law enforcement officer arrests a person for a 10898  
violation of division (A) or (B) of section 4511.19 of the Revised 10899  
Code, section 4511.194 of the Revised Code or a substantially 10900  
equivalent municipal ordinance, or a municipal OVI ordinance and 10901  
if the person if convicted would be required to be sentenced under 10902  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 10903  
Code, the law enforcement officer shall request the person to 10904

submit, and the person shall submit, to a chemical test or tests 10905  
of the person's whole blood, blood serum or plasma, breath, or 10906  
urine for the purpose of determining the alcohol, drug of abuse, 10907  
controlled substance, metabolite of a controlled substance, or 10908  
combination content of the person's whole blood, blood serum or 10909  
plasma, breath, or urine. A law enforcement officer who makes a 10910  
request pursuant to this division that a person submit to a 10911  
chemical test or tests is not required to advise the person of the 10912  
consequences of submitting to, or refusing to submit to, the test 10913  
or tests and is not required to give the person the form described 10914  
in division (B) of section 4511.192 of the Revised Code, but the 10915  
officer shall advise the person at the time of the arrest that if 10916  
the person refuses to take a chemical test the officer may employ 10917  
whatever reasonable means are necessary to ensure that the person 10918  
submits to a chemical test of the person's whole blood or blood 10919  
serum or plasma. The officer shall also advise the person at the 10920  
time of the arrest that the person may have an independent 10921  
chemical test taken at the person's own expense. Divisions (A)(3) 10922  
and (4) of this section apply to the administration of a chemical 10923  
test or tests pursuant to this division. 10924

(b) If a person refuses to submit to a chemical test upon a 10925  
request made pursuant to division (A)(5)(a) of this section, the 10926  
law enforcement officer who made the request may employ whatever 10927  
reasonable means are necessary to ensure that the person submits 10928  
to a chemical test of the person's whole blood or blood serum or 10929  
plasma. A law enforcement officer who acts pursuant to this 10930  
division to ensure that a person submits to a chemical test of the 10931  
person's whole blood or blood serum or plasma is immune from 10932  
criminal and civil liability based upon a claim for assault and 10933  
battery or any other claim for the acts, unless the officer so 10934  
acted with malicious purpose, in bad faith, or in a wanton or 10935  
reckless manner. 10936



(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical

test, had been convicted of or pleaded guilty to two violations of 10969  
division (A) or (B) of section 4511.19 of the Revised Code or 10970  
other equivalent offenses, or had refused one previous request to 10971  
consent to a chemical test and also had been convicted of or 10972  
pleaded guilty to one violation of division (A) or (B) of section 10973  
4511.19 of the Revised Code or other equivalent offenses, which 10974  
violation or offense arose from an incident other than the 10975  
incident that led to the refusal, the suspension shall be a class 10976  
A suspension imposed for the period of time specified in division 10977  
(B)(1) of section 4510.02 of the Revised Code. 10978

(d) If the arrested person, within six years of the date on 10979  
which the person refused the request to consent to the chemical 10980  
test, had refused three or more previous requests to consent to a 10981  
chemical test, had been convicted of or pleaded guilty to three or 10982  
more violations of division (A) or (B) of section 4511.19 of the 10983  
Revised Code or other equivalent offenses, or had refused a number 10984  
of previous requests to consent to a chemical test and also had 10985  
been convicted of or pleaded guilty to a number of violations of 10986  
division (A) or (B) of section 4511.19 of the Revised Code or 10987  
other equivalent offenses that cumulatively total three or more 10988  
such refusals, convictions, and guilty pleas, the suspension shall 10989  
be for five years. 10990

(2) The registrar shall terminate a suspension of the 10991  
driver's or commercial driver's license or permit of a resident or 10992  
of the operating privilege of a nonresident, or a denial of a 10993  
driver's or commercial driver's license or permit, imposed 10994  
pursuant to division (B)(1) of this section upon receipt of notice 10995  
that the person has entered a plea of guilty to, or that the 10996  
person has been convicted after entering a plea of no contest to, 10997  
operating a vehicle in violation of section 4511.19 of the Revised 10998  
Code or in violation of a municipal OVI ordinance, if the offense 10999  
for which the conviction is had or the plea is entered arose from 11000

the same incident that led to the suspension or denial. 11001

The registrar shall credit against any judicial suspension of 11002  
a person's driver's or commercial driver's license or permit or 11003  
nonresident operating privilege imposed pursuant to section 11004  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 11005  
Revised Code for a violation of a municipal OVI ordinance, any 11006  
time during which the person serves a related suspension imposed 11007  
pursuant to division (B)(1) of this section. 11008

(C)(1) Upon receipt of the sworn report of the law 11009  
enforcement officer who arrested a person for a violation of 11010  
division (A) or (B) of section 4511.19 of the Revised Code or a 11011  
municipal OVI ordinance that was completed and sent to the 11012  
registrar and a court pursuant to section 4511.192 of the Revised 11013  
Code in regard to a person whose test results indicate that the 11014  
person's whole blood, blood serum or plasma, breath, or urine 11015  
contained at least the concentration of alcohol specified in 11016  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 11017  
Revised Code or at least the concentration of a listed controlled 11018  
substance or a listed metabolite of a controlled substance 11019  
specified in division (A)(1)(j) of section 4511.19 of the Revised 11020  
Code, the registrar shall enter into the registrar's records the 11021  
fact that the person's driver's or commercial driver's license or 11022  
permit or nonresident operating privilege was suspended by the 11023  
arresting officer under this division and section 4511.192 of the 11024  
Revised Code and the period of the suspension, as determined under 11025  
divisions (C)(1)(a) to (d) of this section. The suspension shall 11026  
be subject to appeal as provided in section 4511.197 of the 11027  
Revised Code. The suspension described in this division does not 11028  
apply to, and shall not be imposed upon, a person arrested for a 11029  
violation of section 4511.194 of the Revised Code or a 11030  
substantially equivalent municipal ordinance who submits to a 11031  
designated chemical test. The suspension shall be for whichever of 11032

the following periods applies: 11033

(a) Except when division (C)(1)(b), (c), or (d) of this 11034  
section applies and specifies a different period, the suspension 11035  
shall be a class E suspension imposed for the period of time 11036  
specified in division (B)(5) of section 4510.02 of the Revised 11037  
Code. 11038

(b) The suspension shall be a class C suspension for the 11039  
period of time specified in division (B)(3) of section 4510.02 of 11040  
the Revised Code if the person has been convicted of or pleaded 11041  
guilty to, within six years of the date the test was conducted, 11042  
one violation of division (A) or (B) of section 4511.19 of the 11043  
Revised Code or one other equivalent offense. 11044

(c) If, within six years of the date the test was conducted, 11045  
the person has been convicted of or pleaded guilty to two 11046  
violations of a statute or ordinance described in division 11047  
(C)(1)(b) of this section, the suspension shall be a class B 11048  
suspension imposed for the period of time specified in division 11049  
(B)(2) of section 4510.02 of the Revised Code. 11050

(d) If, within six years of the date the test was conducted, 11051  
the person has been convicted of or pleaded guilty to more than 11052  
two violations of a statute or ordinance described in division 11053  
(C)(1)(b) of this section, the suspension shall be a class A 11054  
suspension imposed for the period of time specified in division 11055  
(B)(1) of section 4510.02 of the Revised Code. 11056

(2) The registrar shall terminate a suspension of the 11057  
driver's or commercial driver's license or permit of a resident or 11058  
of the operating privilege of a nonresident, or a denial of a 11059  
driver's or commercial driver's license or permit, imposed 11060  
pursuant to division (C)(1) of this section upon receipt of notice 11061  
that the person has entered a plea of guilty to, or that the 11062  
person has been convicted after entering a plea of no contest to, 11063

operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (C)(1) of this section.

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the

citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions (F)(1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the registrar or an eligible deputy registrar of a license reinstatement fee of four hundred seventy-five dollars, ~~which fee. The registrar or deputy registrar shall be deposited~~ deposit the fee in the state treasury

and to be credited as follows: 11128

(a) One hundred twelve dollars and fifty cents shall be 11129  
credited to the statewide treatment and prevention fund created by 11130  
section 4301.30 of the Revised Code. Money credited to the fund 11131  
under this section shall be used for purposes identified under 11132  
section 5119.22 of the Revised Code. 11133

(b) Seventy-five dollars shall be credited to the reparations 11134  
fund created by section 2743.191 of the Revised Code. 11135

(c) Thirty-seven dollars and fifty cents shall be credited to 11136  
the indigent drivers alcohol treatment fund, which is hereby 11137  
established in the state treasury. ~~Except as otherwise provided in~~ 11138  
~~division (F)(2)(c) of this section, moneys in the fund shall be~~ 11139  
~~distributed by the~~ The department of mental health and addiction 11140  
services shall distribute the moneys in that fund to the county 11141  
indigent drivers alcohol treatment funds, the county juvenile 11142  
indigent drivers alcohol treatment funds, and the municipal 11143  
indigent drivers alcohol treatment funds that are required to be 11144  
established by counties and municipal corporations pursuant to 11145  
division (H) of this section, ~~and shall~~ to be used only ~~to pay the~~ 11146  
~~cost of an alcohol and drug addiction treatment program attended~~ 11147  
~~by an offender or juvenile traffic offender who is ordered to~~ 11148  
~~attend an alcohol and drug addiction treatment program by a~~ 11149  
~~county, juvenile, or municipal court judge and who is determined~~ 11150  
~~by the county, juvenile, or municipal court judge not to have the~~ 11151  
~~means to pay for the person's attendance at the program or to pay~~ 11152  
~~the costs specified in division (H)(4) of this section in~~ 11153  
~~accordance with that division. In addition, a county, juvenile, or~~ 11154  
~~municipal court judge may use moneys in the county indigent~~ 11155  
~~drivers alcohol treatment fund, county juvenile indigent drivers~~ 11156  
~~alcohol treatment fund, or municipal indigent drivers alcohol~~ 11157  
~~treatment fund to pay for the cost of the continued use of an~~ 11158  
~~alcohol monitoring device as described in divisions (H)(3) and (4)~~ 11159

~~of this section~~ as provided in division (H)(3) of this section. 11160  
Moneys in the fund that are not distributed to a county indigent 11161  
drivers alcohol treatment fund, a county juvenile indigent drivers 11162  
alcohol treatment fund, or a municipal indigent drivers alcohol 11163  
treatment fund under division (H) of this section because the 11164  
director of mental health and addiction services does not have the 11165  
information necessary to identify the county or municipal 11166  
corporation where the offender or juvenile offender was arrested 11167  
may be transferred by the director of budget and management to the 11168  
statewide treatment and prevention fund created by section 4301.30 11169  
of the Revised Code, upon certification of the amount by the 11170  
director of mental health and addiction services. 11171

(d) Seventy-five dollars shall be credited to the 11172  
opportunities for Ohioans with disabilities agency established by 11173  
section 3304.15 of the Revised Code, to the services for 11174  
rehabilitation fund, which is hereby established. The fund shall 11175  
be used to match available federal matching funds where 11176  
appropriate, and for any other purpose or program of the agency to 11177  
rehabilitate persons with disabilities to help them become 11178  
employed and independent. 11179

(e) Seventy-five dollars shall be deposited into the state 11180  
treasury and credited to the drug abuse resistance education 11181  
programs fund, which is hereby established, to be used by the 11182  
attorney general for the purposes specified in division (F)(4) of 11183  
this section. 11184

(f) Thirty dollars shall be credited to the state bureau of 11185  
motor vehicles fund created by section 4501.25 of the Revised 11186  
Code. 11187

(g) Twenty dollars shall be credited to the trauma and 11188  
emergency medical services fund created by section 4513.263 of the 11189  
Revised Code. 11190



(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Moneys in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's use of the device.

(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the registrar or an eligible deputy registrar, only one reinstatement fee of four hundred seventy-five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (F)(2) of this section.

(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to

a law enforcement agency under this section shall be used by the 11223  
agency to pay for not more than fifty per cent of the amount of 11224  
the salaries of law enforcement officers who conduct drug abuse 11225  
resistance education programs in public schools. The attorney 11226  
general shall not use more than six per cent of the amounts the 11227  
attorney general's office receives under division (F)(2)(e) of 11228  
this section to pay the costs it incurs in administering the grant 11229  
program established by division (F)(2)(e) of this section and in 11230  
providing training and materials relating to drug abuse resistance 11231  
education programs. 11232

The attorney general shall report to the governor and the 11233  
general assembly each fiscal year on the progress made in 11234  
establishing and implementing drug abuse resistance education 11235  
programs. These reports shall include an evaluation of the 11236  
effectiveness of these programs. 11237

(5) In addition to the reinstatement fee under this section, 11238  
if the person pays the reinstatement fee to a deputy registrar, 11239  
the deputy registrar shall collect a service fee of ten dollars to 11240  
compensate the deputy registrar for services performed under this 11241  
section. The deputy registrar shall retain eight dollars of the 11242  
service fee and shall transmit the reinstatement fee, plus two 11243  
dollars of the service fee, to the registrar in the manner the 11244  
registrar shall determine. 11245

(G) Suspension of a commercial driver's license under 11246  
division (B) or (C) of this section shall be concurrent with any 11247  
period of disqualification under section 3123.611 or 4506.16 of 11248  
the Revised Code or any period of suspension under section 3123.58 11249  
of the Revised Code. No person who is disqualified for life from 11250  
holding a commercial driver's license under section 4506.16 of the 11251  
Revised Code shall be issued a driver's license under Chapter 11252  
4507. of the Revised Code during the period for which the 11253  
commercial driver's license was suspended under division (B) or 11254

(C) of this section. No person whose commercial driver's license 11255  
is suspended under division (B) or (C) of this section shall be 11256  
issued a driver's license under Chapter 4507. of the Revised Code 11257  
during the period of the suspension. 11258

(H)(1) Each county shall establish an indigent drivers 11259  
alcohol treatment fund, ~~each county shall establish~~ and a juvenile 11260  
indigent drivers alcohol treatment fund, ~~and each.~~ Each municipal 11261  
corporation in which there is a municipal court shall establish an 11262  
indigent drivers alcohol treatment fund. ~~All revenue that the~~ 11263  
~~general assembly appropriates to the indigent drivers alcohol~~ 11264  
~~treatment fund for transfer to a county indigent drivers alcohol~~ 11265  
~~treatment fund, a county juvenile indigent drivers alcohol~~ 11266  
~~treatment fund, or a municipal indigent drivers alcohol treatment~~ 11267  
~~fund, all portions of fees that are paid under division (F) of~~ 11268  
~~this section and that are credited under that division to the~~ 11269  
~~indigent drivers alcohol treatment fund in the state treasury for~~ 11270  
~~a county indigent drivers alcohol treatment fund, a county~~ 11271  
~~juvenile indigent drivers alcohol treatment fund, or a municipal~~ 11272  
~~indigent drivers alcohol treatment fund, all portions of~~ 11273  
~~additional costs imposed under section 2949.094 of the Revised~~ 11274  
~~Code that are specified for deposit into a county, county~~ 11275  
~~juvenile, or municipal indigent drivers alcohol treatment fund by~~ 11276  
~~that section, and all portions of fines that are specified for~~ 11277  
~~deposit into a county or municipal indigent drivers alcohol~~ 11278  
~~treatment fund by section 4511.193 of the Revised Code shall be~~ 11279  
~~deposited into that county indigent drivers alcohol treatment~~ 11280  
~~fund, county juvenile indigent drivers alcohol treatment fund, or~~ 11281  
~~municipal indigent drivers alcohol treatment fund. The portions of~~ 11282  
~~the fees paid under division (F) of this section that are to be so~~ 11283  
~~deposited shall be determined in accordance with division (H)(2)~~ 11284  
~~of this section. Additionally, all portions of fines that are paid~~ 11285  
~~for a violation of section 4511.19 of the Revised Code or of any~~ 11286  
~~prohibition contained in Chapter 4510. of the Revised Code, and~~ 11287

~~that are required under section 4511.19 or any provision of 11288  
Chapter 4510. of the Revised Code to be deposited into a county 11289  
indigent drivers alcohol treatment fund or municipal indigent 11290  
drivers alcohol treatment fund shall be deposited into the 11291  
appropriate fund in accordance with the applicable division of the 11292  
section or provision. 11293~~

The treasurer of state or other appropriate official, as 11294  
applicable, shall transfer the following into each county indigent 11295  
drivers alcohol treatment fund, county juvenile indigent drivers 11296  
alcohol treatment fund, or municipal indigent drivers alcohol 11297  
treatment fund, as applicable: 11298

(a) All revenue the general assembly appropriates to the 11299  
indigent drivers alcohol treatment fund for transfer into such a 11300  
fund; 11301

(b) All portions of fees paid under division (F) of this 11302  
section that, in accordance with division (H)(2) of this section, 11303  
are credited to the indigent drivers alcohol treatment fund for 11304  
deposit into such a fund; 11305

(c) All portions of additional costs imposed under section 11306  
2949.094 of the Revised Code that are required to be deposited 11307  
into such a fund; 11308

(d) All portions of fines that are required to be deposited 11309  
into such a fund under section 4511.193 of the Revised Code; 11310

(e) All portions of fines paid under section 4511.19 of the 11311  
Revised Code or Chapter 4510. of the Revised Code that are 11312  
required to be paid into such a fund. 11313

(2) That portion of the license reinstatement fee that is 11314  
paid under division (F) of this section and that is credited under 11315  
that division to the indigent drivers alcohol treatment fund shall 11316  
be deposited into a county indigent drivers alcohol treatment 11317  
fund, a county juvenile indigent drivers alcohol treatment fund, 11318

or a municipal indigent drivers alcohol treatment fund as follows: 11319

(a) Regarding a suspension imposed under this section, that 11320  
portion of the fee shall be deposited as follows: 11321

(i) If the fee is paid by a person who was charged in a 11322  
county court with the violation that resulted in the suspension or 11323  
in the imposition of the court costs, the portion shall be 11324  
deposited into the county indigent drivers alcohol treatment fund 11325  
under the control of that court; 11326

(ii) If the fee is paid by a person who was charged in a 11327  
juvenile court with the violation that resulted in the suspension 11328  
or in the imposition of the court costs, the portion shall be 11329  
deposited into the county juvenile indigent drivers alcohol 11330  
treatment fund established in the county served by the court; 11331

(iii) If the fee is paid by a person who was charged in a 11332  
municipal court with the violation that resulted in the suspension 11333  
or in the imposition of the court costs, the portion shall be 11334  
deposited into the municipal indigent drivers alcohol treatment 11335  
fund under the control of that court. 11336

(b) Regarding a suspension imposed under section 4511.19 of 11337  
the Revised Code or under section 4510.07 of the Revised Code for 11338  
a violation of a municipal OVI ordinance, that portion of the fee 11339  
shall be deposited as follows: 11340

(i) If the fee is paid by a person whose license or permit 11341  
was suspended by a county court, the portion shall be deposited 11342  
into the county indigent drivers alcohol treatment fund under the 11343  
control of that court; 11344

(ii) If the fee is paid by a person whose license or permit 11345  
was suspended by a municipal court, the portion shall be deposited 11346  
into the municipal indigent drivers alcohol treatment fund under 11347  
the control of that court. 11348

(3) ~~Expenditures~~ (a) As used in division (H)(3) of this 11349  
section, "indigent person" means a person who is convicted of, or 11350  
found to be a juvenile traffic offender by reason of, a violation 11351  
of division (A) of section 4511.19 of the Revised Code or a 11352  
substantially similar municipal ordinance, who is ordered by the 11353  
court to attend an alcohol and drug addiction treatment program, 11354  
and who is determined by the court under division (H)(5) of this 11355  
section to be unable to pay the cost of the assessment or the cost 11356  
of attendance at the treatment program. 11357

(b) A county, juvenile, or municipal court judge, by order, 11358  
may make expenditures from a county indigent drivers alcohol 11359  
treatment fund, a county juvenile indigent drivers alcohol 11360  
treatment fund, or a municipal indigent drivers alcohol treatment 11361  
fund ~~shall be made only upon the order of a county, juvenile, or~~ 11362  
~~municipal court judge and only for payment of the cost of an~~ 11363  
~~assessment or the cost of the attendance at an alcohol and drug~~ 11364  
~~addiction treatment program of a~~ with respect to an indigent 11365  
~~person who is convicted of, or found to be a juvenile traffic~~ 11366  
~~offender by reason of, a violation of division (A) of section~~ 11367  
~~4511.19 of the Revised Code or a substantially similar municipal~~ 11368  
~~ordinance, who is ordered by the court to attend the alcohol and~~ 11369  
~~drug addiction treatment program, and who is determined by the~~ 11370  
~~court to be unable to pay the cost of the assessment or the cost~~ 11371  
~~of attendance at the treatment program or for payment of the costs~~ 11372  
~~specified in division (H)(4) of this section in accordance with~~ 11373  
~~that division. The~~ for any of the following: 11374

(i) To pay the cost of an assessment that is conducted by an 11375  
appropriately licensed clinician at either a driver intervention 11376  
program that is certified under section 5119.38 of the Revised 11377  
Code or at a community addiction services provider that is 11378  
certified under section 5119.36 of the Revised Code; 11379

(ii) To pay the cost of alcohol addiction services, drug 11380

addiction services, or integrated alcohol and drug addiction 11381  
services at a community addiction services provider that is 11382  
certified under section 5119.36 of the Revised Code; 11383

(iii) To pay the cost of transportation to attend an 11384  
assessment as provided under division (H)(3)(b)(i) of this section 11385  
or addiction services as provided under division (H)(3)(b)(ii) of 11386  
this section. 11387

The alcohol and drug addiction services board or the board of 11388  
alcohol, drug addiction, and mental health services established 11389  
pursuant to section 340.02 or 340.021 of the Revised Code and 11390  
serving the alcohol, drug addiction, and mental health service 11391  
district in which the court is located shall administer the 11392  
indigent drivers alcohol treatment program of the court. When a 11393  
court orders an offender or juvenile traffic offender to obtain an 11394  
assessment or attend an alcohol and drug addiction treatment 11395  
program, the board shall determine which program is suitable to 11396  
meet the needs of the offender or juvenile traffic offender, and 11397  
when a suitable program is located and space is available at the 11398  
program, the offender or juvenile traffic offender shall attend 11399  
the program designated by the board. A reasonable amount not to 11400  
exceed five per cent of the amounts credited to and deposited into 11401  
the county indigent drivers alcohol treatment fund, the county 11402  
juvenile indigent drivers alcohol treatment fund, or the municipal 11403  
indigent drivers alcohol treatment fund serving every court whose 11404  
program is administered by that board shall be paid to the board 11405  
to cover the costs it incurs in administering those indigent 11406  
drivers alcohol treatment programs. 11407

~~In addition, upon~~ (c) Upon exhaustion of moneys in the 11408  
indigent drivers interlock and alcohol monitoring fund for the use 11409  
of an alcohol monitoring device, a county, juvenile, or municipal 11410  
court judge may use moneys in the county indigent drivers alcohol 11411  
treatment fund, county juvenile indigent drivers alcohol treatment 11412

fund, or municipal indigent drivers alcohol treatment fund in 11413  
either of the following manners: 11414

~~(a)~~(i) If the source of the moneys was an appropriation of 11415  
the general assembly, a portion of a fee that was paid under 11416  
division (F) of this section, a portion of a fine that was 11417  
specified for deposit into the fund by section 4511.193 of the 11418  
Revised Code, or a portion of a fine that was paid for a violation 11419  
of section 4511.19 of the Revised Code or of a provision contained 11420  
in Chapter 4510. of the Revised Code that was required to be 11421  
deposited into the fund, to pay for the continued use of an 11422  
alcohol monitoring device by an offender or juvenile traffic 11423  
offender, in conjunction with a treatment program approved by the 11424  
department of mental health and addiction services, when such use 11425  
is determined clinically necessary by the treatment program and 11426  
when the court determines that the offender or juvenile traffic 11427  
offender is unable to pay all or part of the daily monitoring or 11428  
cost of the device; 11429

~~(b)~~(ii) If the source of the moneys was a portion of an 11430  
additional court cost imposed under section 2949.094 of the 11431  
Revised Code, to pay for the continued use of an alcohol 11432  
monitoring device by an offender or juvenile traffic offender when 11433  
the court determines that the offender or juvenile traffic 11434  
offender is unable to pay all or part of the daily monitoring or 11435  
cost of the device. The moneys may be used for a device as 11436  
described in this division if the use of the device is in 11437  
conjunction with a treatment program approved by the department of 11438  
mental health and addiction services, when the use of the device 11439  
is determined clinically necessary by the treatment program, but 11440  
the use of a device is not required to be in conjunction with a 11441  
treatment program approved by the department in order for the 11442  
moneys to be used for the device as described in this division. 11443

(4) If a county, juvenile, or municipal court determines, in 11444



consultation with the alcohol and drug addiction services board or 11445  
the board of alcohol, drug addiction, and mental health services 11446  
established pursuant to section 340.02 or 340.021 of the Revised 11447  
Code and serving the alcohol, drug addiction, and mental health 11448  
district in which the court is located, that the funds in the 11449  
county indigent drivers alcohol treatment fund, the county 11450  
juvenile indigent drivers alcohol treatment fund, or the municipal 11451  
indigent drivers alcohol treatment fund under the control of the 11452  
court are more than sufficient to satisfy the purpose for which 11453  
the fund was established, as specified in divisions (H)(1) to (3) 11454  
of this section, the court may declare a surplus in the fund. If 11455  
the court declares a surplus in the fund, the court may ~~expend~~ 11456  
take any of the following actions with regard to the amount of the 11457  
surplus in the fund ~~for~~: 11458

(a) ~~Alcohol~~ Expend any of the surplus amount for alcohol and 11459  
drug abuse assessment and treatment, and for the cost of 11460  
transportation related to assessment and treatment, of persons who 11461  
are charged in the court with committing a criminal offense or 11462  
with being a delinquent child or juvenile traffic offender and in 11463  
relation to whom both of the following apply: 11464

(i) The court determines that substance abuse was a 11465  
contributing factor leading to the criminal or delinquent activity 11466  
or the juvenile traffic offense with which the person is charged. 11467

(ii) The court determines that the person is unable to pay 11468  
the cost of the alcohol and drug abuse assessment and treatment 11469  
for which the surplus money will be used. 11470

(b) ~~All~~ Expend any of the surplus amount to pay all or part 11471  
of the cost of purchasing alcohol monitoring devices to be used in 11472  
conjunction with division (H)(3)(c) of this section, upon 11473  
exhaustion of moneys in the indigent drivers interlock and alcohol 11474  
monitoring fund for the use of an alcohol monitoring device. 11475

(c) Transfer to another court in the same county any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section. If surplus funds are transferred to another court, the court that transfers the funds shall notify the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which that court is located. 11476  
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(d) Transfer to the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which the court is located any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section or for board contracted recovery support services. 11484  
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~~(5) For the purpose of determining as described in division (F)(2)(c) of this section whether~~ In order to determine if an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program for purposes of division (H)(3) of this section or whether if an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination. 11491  
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(6) The court shall identify and refer any community addiction services provider that is not certified under section 5119.36 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of mental health and addiction services in order for the services provider to become a certified community addiction services provider. The department 11501  
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shall keep a record of applicant referrals received pursuant to 11508  
this division and shall submit a report on the referrals each year 11509  
to the general assembly. If a services provider interested in 11510  
becoming certified makes an application to become certified 11511  
pursuant to section 5119.36 of the Revised Code, the services 11512  
provider is eligible to receive surplus funds as long as the 11513  
application is pending with the department. The department of 11514  
mental health and addiction services must offer technical 11515  
assistance to the applicant. If the interested services provider 11516  
withdraws the certification application, the department must 11517  
notify the court, and the court shall not provide the interested 11518  
services provider with any further surplus funds. 11519

(7)(a) Each alcohol and drug addiction services board and 11520  
board of alcohol, drug addiction, and mental health services 11521  
established pursuant to section 340.02 or 340.021 of the Revised 11522  
Code shall submit to the department of mental health and addiction 11523  
services an annual report for each indigent drivers alcohol 11524  
treatment fund in that board's area. 11525

(b) The report, which shall be submitted not later than sixty 11526  
days after the end of the state fiscal year, shall provide the 11527  
total payment that was made from the fund, including the number of 11528  
indigent consumers that received treatment services and the number 11529  
of indigent consumers that received an alcohol monitoring device. 11530  
The report shall identify the treatment program and expenditure 11531  
for an alcohol monitoring device for which that payment was made. 11532  
The report shall include the fiscal year balance of each indigent 11533  
drivers alcohol treatment fund located in that board's area. In 11534  
the event that a surplus is declared in the fund pursuant to 11535  
division (H)(4) of this section, the report also shall provide the 11536  
total payment that was made from the surplus moneys and identify 11537  
the ~~treatment program and expenditure for an alcohol monitoring~~ 11538  
~~device~~ authorized purpose for which that payment was made. 11539

(c) If a board is unable to obtain adequate information to 11540  
develop the report to submit to the department for a particular 11541  
indigent drivers alcohol treatment fund, the board shall submit a 11542  
report detailing the effort made in obtaining the information. 11543

(I)(1) Each county shall establish an indigent drivers 11544  
interlock and alcohol monitoring fund and a juvenile indigent 11545  
drivers interlock and alcohol treatment fund, ~~and each.~~ Each 11546  
municipal corporation in which there is a municipal court shall 11547  
establish an indigent drivers interlock and alcohol monitoring 11548  
fund. ~~All revenue that the general assembly appropriates to the~~ 11549  
~~indigent drivers interlock and alcohol monitoring fund for~~ 11550  
~~transfer to a county indigent drivers interlock and alcohol~~ 11551  
~~monitoring fund, a county juvenile indigent drivers interlock and~~ 11552  
~~alcohol monitoring fund, or a municipal indigent drivers interlock~~ 11553  
~~and alcohol monitoring fund, all portions of license reinstatement~~ 11554  
~~fees that are paid under division (F)(2) of this section and that~~ 11555  
~~are credited under that division to the indigent drivers interlock~~ 11556  
~~and alcohol monitoring fund in the state treasury, and all~~ 11557  
~~portions of fines that are paid under division (G) of section~~ 11558  
~~4511.19 of the Revised Code and that are credited by division~~ 11559  
~~(G)(5)(e) of that section to the indigent drivers interlock and~~ 11560  
~~alcohol monitoring fund in the state treasury shall be deposited~~ 11561  
~~in the appropriate fund in accordance with division (I)(2) of this~~ 11562  
~~section.~~ 11563

The treasurer of state shall transfer the following into each 11564  
county indigent drivers interlock and alcohol monitoring fund, 11565  
county juvenile indigent drivers interlock and alcohol monitoring 11566  
fund, or municipal indigent drivers interlock and alcohol 11567  
monitoring fund, as applicable: 11568

(a) All revenue the general assembly appropriates to the 11569  
indigent drivers interlock and alcohol monitoring fund for 11570  
transfer into such a fund; 11571

(b) All portions of license reinstatement fees paid under division (F)(2) of this section that, in accordance with division (I)(2) of this section, are credited to the indigent drivers interlock and alcohol monitoring fund for deposit into a such fund; 11572  
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(c) All portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund for deposit into such a fund in accordance with division (I)(2) of this section. 11577  
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(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that portion of the fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows: 11582  
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(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county indigent drivers interlock and alcohol monitoring fund under the control of that court. 11591  
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(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court. 11596  
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(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the 11601  
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suspension, the portion shall be deposited into the municipal 11603  
indigent drivers interlock and alcohol monitoring fund under the 11604  
control of that court. 11605

(3) If a county, juvenile, or municipal court determines that 11606  
the funds in the county indigent drivers interlock and alcohol 11607  
monitoring fund, the county juvenile indigent drivers interlock 11608  
and alcohol monitoring fund, or the municipal indigent drivers 11609  
interlock and alcohol monitoring fund under the control of that 11610  
court are more than sufficient to satisfy the purpose for which 11611  
the fund was established as specified in division (F)(2)(h) of 11612  
this section, the court may declare a surplus in the fund. The 11613  
court then may order the transfer of a specified amount into the 11614  
county indigent drivers alcohol treatment fund, the county 11615  
juvenile indigent drivers alcohol treatment fund, or the municipal 11616  
indigent drivers alcohol treatment fund under the control of that 11617  
court to be utilized in accordance with division (H) of this 11618  
section. 11619

**Sec. 4729.03.** The state board of pharmacy shall organize by 11620  
electing a president and a vice-president who are members of the 11621  
board. The president shall preside over the meetings of the board, 11622  
but shall not vote upon matters determined by the board, except in 11623  
the event of a tie vote, in which case the president shall vote. 11624  
The board shall also employ an executive director ~~who is a~~ 11625  
~~licensed pharmacist in good standing in the practice of pharmacy~~ 11626  
~~in this state.~~ The person employed shall not be a member of the 11627  
board. Each of the officers elected shall serve for a term of one 11628  
year. The members of the board shall receive an amount fixed 11629  
pursuant to division (J) of section 124.15 of the Revised Code for 11630  
each day employed in the discharge of their official duties and 11631  
their necessary expenses while engaged therein. 11632

**Sec. 4729.54.** (A) As used in this section and section 11633

4729.541 of the Revised Code: 11634

(1) "Category I" means single-dose injections of intravenous fluids, including saline, Ringer's lactate, five per cent dextrose and distilled water, and other intravenous fluids or parenteral solutions included in this category by rule of the state board of pharmacy, that have a volume of one hundred milliliters or more and that contain no added substances, or single-dose injections of epinephrine to be administered pursuant to sections 4765.38 and 4765.39 of the Revised Code. 11635  
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(2) "Category II" means any dangerous drug that is not included in category I or III. 11643  
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(3) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V. 11645  
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(4) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code. 11647  
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(5) "Person" includes an emergency medical service organization. 11649  
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(6) "Schedule I, schedule II, schedule III, schedule IV, and schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended. 11651  
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(B)(1) A person who desires to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the state board of pharmacy a verified application. After it is filed, the application may not be withdrawn without approval of the board. 11655  
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(2) An application shall contain all the following that apply in the applicant's case: 11660  
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(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set 11662  
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forth in section 4729.55 of the Revised Code; 11664

(b) A statement that the person wishes to be licensed as a 11665  
category I, category II, category III, limited category I, limited 11666  
category II, or limited category III terminal distributor of 11667  
dangerous drugs; 11668

(c) If the person wishes to be licensed as a limited category 11669  
I, limited category II, or limited category III terminal 11670  
distributor of dangerous drugs, a notarized list of the dangerous 11671  
drugs that the person wishes to possess, have custody or control 11672  
of, and distribute, which list shall also specify the purpose for 11673  
which those drugs will be used and their source; 11674

(d) If the person is an emergency medical service 11675  
organization, the information that is specified in division (C)(1) 11676  
of this section; 11677

(e) Except for an emergency medical service organization, the 11678  
identity of the one establishment or place at which the person 11679  
intends to engage in the sale or other distribution of dangerous 11680  
drugs at retail, and maintain possession, custody, or control of 11681  
dangerous drugs for purposes other than the person's own use or 11682  
consumption; 11683

(f) If the application pertains to a pain management clinic, 11684  
information that demonstrates, to the satisfaction of the board, 11685  
compliance with division (A) of section 4729.552 of the Revised 11686  
Code. 11687

(C)(1) An emergency medical service organization that wishes 11688  
to be licensed as a terminal distributor of dangerous drugs shall 11689  
list in its application for licensure the following additional 11690  
information: 11691

(a) The units under its control that the organization 11692  
determines will possess dangerous drugs for the purpose of 11693  
administering emergency medical services in accordance with 11694



Chapter 4765. of the Revised Code; 11695

(b) With respect to each such unit, whether the dangerous 11696  
drugs that the organization determines the unit will possess are 11697  
in category I, II, or III. 11698

(2) An emergency medical service organization that is 11699  
licensed as a terminal distributor of dangerous drugs shall file a 11700  
new application for such licensure if there is any change in the 11701  
number, or location of, any of its units or any change in the 11702  
category of the dangerous drugs that any unit will possess. 11703

(3) A unit listed in an application for licensure pursuant to 11704  
division (C)(1) of this section may obtain the dangerous drugs it 11705  
is authorized to possess from its emergency medical service 11706  
organization or, on a replacement basis, from a hospital pharmacy. 11707  
If units will obtain dangerous drugs from a hospital pharmacy, the 11708  
organization shall file, and maintain in current form, the 11709  
following items with the pharmacist who is responsible for the 11710  
hospital's terminal distributor of dangerous drugs license: 11711

(a) A copy of its standing orders or protocol; 11712

(b) A list of the personnel employed or used by the 11713  
organization to provide emergency medical services in accordance 11714  
with Chapter 4765. of the Revised Code, who are authorized to 11715  
possess the drugs, which list also shall indicate the personnel 11716  
who are authorized to administer the drugs. 11717

(D) Each emergency medical service organization that applies 11718  
for a terminal distributor of dangerous drugs license shall submit 11719  
with its application the following: 11720

(1) A notarized copy of its standing orders or protocol, 11721  
which orders or protocol shall be signed by a physician and 11722  
specify the dangerous drugs that its units may carry, expressed in 11723  
standard dose units; 11724

(2) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code.

An emergency medical service organization that is licensed as a terminal distributor shall notify the board immediately of any changes in its standing orders or protocol.

(E) There shall be six categories of terminal distributor of dangerous drugs licenses, which categories shall be as follows:

(1) Category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I.

(2) Limited category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I that were listed in the application for licensure.

(3) Category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I and category II.

(4) Limited category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I or category II that were listed in the application for licensure.

(5) Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category I, category II, and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic.

(6) Limited category III license. A person who obtains this

license may possess, have custody or control of, and distribute 11755  
only the dangerous drugs described in category I, category II, or 11756  
category III that were listed in the application for licensure. 11757

(F) Except for an application made on behalf of an animal 11758  
shelter, if an applicant for licensure as a limited category I, 11759  
II, or III terminal distributor of dangerous drugs intends to 11760  
administer dangerous drugs to a person or animal, the applicant 11761  
shall submit, with the application, a notarized copy of its 11762  
protocol or standing orders, which protocol or orders shall be 11763  
signed by a licensed health professional authorized to prescribe 11764  
drugs, specify the dangerous drugs to be administered, and list 11765  
personnel who are authorized to administer the dangerous drugs in 11766  
accordance with federal law or the law of this state. An 11767  
application made on behalf of an animal shelter shall include a 11768  
notarized list of the dangerous drugs to be administered to 11769  
animals and the personnel who are authorized to administer the 11770  
drugs to animals in accordance with section 4729.532 of the 11771  
Revised Code. After obtaining a terminal distributor license, a 11772  
licensee shall notify the board immediately of any changes in its 11773  
protocol or standing orders, or in such personnel. 11774

(G)(1) Except as provided in division (G)(2) of this section, 11775  
each applicant for licensure as a terminal distributor of 11776  
dangerous drugs shall submit, with the application, a license fee 11777  
determined as follows: 11778

(a) For a category I or limited category I license, 11779  
forty-five dollars; 11780

(b) For a category II or limited category II license, one 11781  
hundred twelve dollars and fifty cents; 11782

(c) For a category III license, including a license with a 11783  
pain management clinic classification issued under section 11784  
4729.552 of the Revised Code, or a limited category III license, 11785

one hundred fifty dollars. 11786

(2) For a professional association, corporation, partnership, 11787  
or limited liability company organized for the purpose of 11788  
practicing veterinary medicine, the fee shall be forty dollars. 11789

(3) Fees assessed under divisions (G)(1) and (2) of this 11790  
section shall not be returned if the applicant fails to qualify 11791  
for registration. 11792

(H)(1) The board shall issue a terminal distributor of 11793  
dangerous drugs license to each person who submits an application 11794  
for such licensure in accordance with this section, pays the 11795  
required license fee, is determined by the board to meet the 11796  
requirements set forth in section 4729.55 of the Revised Code, and 11797  
satisfies any other applicable requirements of this section. 11798

(2) The license of a person other than an emergency medical 11799  
service organization shall describe the one establishment or place 11800  
at which the licensee may engage in the sale or other distribution 11801  
of dangerous drugs at retail and maintain possession, custody, or 11802  
control of dangerous drugs for purposes other than the licensee's 11803  
own use or consumption. The one establishment or place shall be 11804  
that which is described in the application for licensure. 11805

No such license shall authorize or permit the terminal 11806  
distributor of dangerous drugs named in it to engage in the sale 11807  
or other distribution of dangerous drugs at retail or to maintain 11808  
possession, custody, or control of dangerous drugs for any purpose 11809  
other than the distributor's own use or consumption, at any 11810  
establishment or place other than that described in the license, 11811  
except that an agent or employee of an animal shelter may possess 11812  
and use dangerous drugs in the course of business as provided in 11813  
division (D) of section 4729.532 of the Revised Code. 11814

(3) The license of an emergency medical service organization 11815  
shall cover and describe all the units of the organization listed 11816

in its application for licensure. 11817

(4) The license of every terminal distributor of dangerous 11818  
drugs shall indicate, on its face, the category of licensure. If 11819  
the license is a limited category I, II, or III license, it shall 11820  
specify, and shall authorize the licensee to possess, have custody 11821  
or control of, and distribute only, the dangerous drugs that were 11822  
listed in the application for licensure. 11823

(I) All licenses issued pursuant to this section shall be 11824  
effective for a period of twelve months from the first day of 11825  
~~January~~ April of each year. A license shall be renewed by the 11826  
board for a like period, annually, according to the provisions of 11827  
this section, and the standard renewal procedure of Chapter 4745. 11828  
of the Revised Code. A person who desires to renew a license shall 11829  
submit an application for renewal and pay the required fee on or 11830  
before the thirty-first day of ~~December~~ March each year. The fee 11831  
required for the renewal of a license shall be the same as the fee 11832  
paid for the license being renewed, and shall accompany the 11833  
application for renewal. 11834

A license that has not been renewed during ~~December~~ March in 11835  
any year and by the first day of ~~February~~ May of the following 11836  
same year may be reinstated only upon payment of the required 11837  
renewal fee and a penalty fee of fifty-five dollars. 11838

(J)(1) No emergency medical service organization that is 11839  
licensed as a terminal distributor of dangerous drugs shall fail 11840  
to comply with division (C)(2) or (3) of this section. 11841

(2) No emergency medical service organization that is 11842  
licensed as a terminal distributor of dangerous drugs shall fail 11843  
to comply with division (D) of this section. 11844

(3) No licensed terminal distributor of dangerous drugs shall 11845  
possess, have custody or control of, or distribute dangerous drugs 11846  
that the terminal distributor is not entitled to possess, have 11847

custody or control of, or distribute by virtue of its category of 11848  
licensure. 11849

(4) No licensee that is required by division (F) of this 11850  
section to notify the board of changes in its protocol or standing 11851  
orders, or in personnel, shall fail to comply with that division. 11852

**Sec. 4729.83.** (A) If the state board of pharmacy establishes 11853  
and maintains a drug database pursuant to section 4729.75 of the 11854  
Revised Code, the board ~~shall not impose any charge on a terminal~~ 11855  
~~distributor of dangerous drugs, pharmacist, or prescriber for the~~ 11856  
~~establishment or maintenance of the database. The board~~ shall not 11857  
charge any fees for the transmission of data to the database or 11858  
for the receipt of information from the database, except that the 11859  
board may charge a fee in accordance with rules adopted under 11860  
section 4729.84 of the Revised Code to an individual who requests 11861  
the individual's own database information under section 4729.80 of 11862  
the Revised Code. 11863

(B) The board may accept grants, gifts, or donations for 11864  
purposes of the drug database. Any money received shall be 11865  
deposited into the state treasury to the credit of the drug 11866  
database fund, which is hereby created. Money in the fund shall be 11867  
used solely for purposes of the drug database. 11868

**Sec. 4737.045.** (A) To register as a scrap metal dealer or a 11869  
bulk merchandise container dealer with the director of public 11870  
safety as required by division (B) of section 4737.04 of the 11871  
Revised Code, a person shall do all of the following: 11872

(1) Provide the name and street address of the dealer's place 11873  
of business; 11874

(2) Provide the name of the primary owner of the business, 11875  
and of the manager of the business, if the manager is not the 11876  
primary owner; 11877

- (3) Provide the electronic mail address of the business; 11878
- (4) Provide confirmation that the dealer has the capabilities 11879  
to electronically connect with the department of public safety for 11880  
the purpose of sending and receiving information; 11881
- (5) Provide any other information required by the director in 11882  
rules the director adopts pursuant to sections 4737.01 to 4737.045 11883  
of the Revised Code; 11884
- (6) Pay an initial registration fee of two hundred dollars. 11885
- (B) A person engaging in the business of a scrap metal dealer 11886  
or a bulk merchandise container dealer in this state on or before 11887  
~~the effective date of this section September 28, 2012,~~ shall 11888  
register with the director not later than January 1, 2013. With 11889  
respect to a person who commences engaging in the business of a 11890  
scrap metal dealer or a bulk merchandise container dealer after 11891  
~~the effective date of this section September 28, 2012,~~ the person 11892  
shall register with the director pursuant to this section prior to 11893  
commencing business as a scrap metal dealer or a bulk merchandise 11894  
container dealer. 11895
- (C) A registration issued to a scrap metal dealer or a bulk 11896  
merchandise container dealer pursuant to this section is valid for 11897  
a period of one year. A dealer shall renew the registration in 11898  
accordance with the rules adopted by the director and pay a 11899  
renewal fee of one hundred fifty dollars to cover the costs of 11900  
operating and maintaining the registry created pursuant to 11901  
division (E) of this section. 11902
- (D) A scrap metal dealer or a bulk merchandise container 11903  
dealer registered under this section shall prominently display a 11904  
copy of the annual registration certificate received from the 11905  
director pursuant to division (E)(2) of this section. 11906
- (E) The director shall do all of the following: 11907

(1) Develop and implement, by January 1, 2014, and maintain 11908  
as a registry a secure database for use by law enforcement 11909  
agencies that is capable of all of the following: 11910

(a) Receiving and securely storing all of the information 11911  
required by division (A) of this section and the daily transaction 11912  
data that scrap metal dealers and bulk merchandise dealers are 11913  
required to send pursuant to division (E)(1) of section 4737.04 of 11914  
the Revised Code; 11915

(b) Providing secure search capabilities to law enforcement 11916  
agencies for enforcement purposes; 11917

(c) Creating a link and retransmission capability for receipt 11918  
of routine scrap theft alerts published by the institute of scrap 11919  
recycling industries for transmission to dealers and law 11920  
enforcement agencies in the state; 11921

(d) Making the electronic lists prepared pursuant to division 11922  
(F)(2) of section 4737.04 of the Revised Code available through an 11923  
electronic searchable format for individual law enforcement 11924  
agencies and for dealers in the state; 11925

(e) Providing, without charge, interlink programming enabling 11926  
the transfer of information to dealers. 11927

(2) Issue, reissue, or deny registration to dealers; 11928

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of 11929  
the Revised Code, rules establishing procedures to renew a 11930  
registration issued under this section, rules for the format and 11931  
maintenance for the records required under division (A) of section 11932  
4737.012 of the Revised Code or division (C) of section 4737.04 of 11933  
the Revised Code, and rules regarding the delivery of the report 11934  
required by division (E)(1) of section 4737.04 of the Revised Code 11935  
to the registry, which shall be used exclusively by law 11936  
enforcement agencies. 11937



(F) A scrap metal dealer or bulk merchandise container dealer 11938  
may search, modify, or update only the dealer's own business data 11939  
contained within the registry established in division (E) of this 11940  
section. 11941

(G) All fees received by the director pursuant to this 11942  
section and division (F) of section 4737.99 of the Revised Code 11943  
shall be used to develop and maintain the registry required under 11944  
this section. The fees shall be deposited into the ~~security,~~ 11945  
~~investigations, and policing~~ infrastructure protection fund which 11946  
is hereby created in ~~section 4501.11~~ of the Revised Code. 11947

**Sec. 4758.01.** As used in this chapter: 11948

(A) "Accredited educational institution" means an educational 11949  
institution accredited by an accrediting agency accepted by the 11950  
Ohio board of regents. 11951

(B)(1) "Alcohol and other drug clinical counseling 11952  
principles, methods, or procedures" means an approach to chemical 11953  
dependency counseling that emphasizes the chemical dependency 11954  
counselor's role in systematically assisting clients through all 11955  
of the following: 11956

(a) Analyzing background and current information; 11957

(b) Exploring possible solutions; 11958

(c) Developing and providing a treatment plan; 11959

(d) In the case of an independent chemical dependency 11960  
counselor-clinical supervisor, independent chemical dependency 11961  
counselor, or chemical dependency counselor III only, diagnosing 11962  
chemical dependency conditions. 11963

(2) "Alcohol and other drug clinical counseling principles, 11964  
methods, or procedures" includes counseling, assessing, 11965  
consulting, and referral as they relate to chemical dependency 11966  
conditions. 11967

(C) "Alcohol and other drug prevention services" means a 11968  
planned process of strategies and activities designed to preclude 11969  
the onset of the use of alcohol and other drugs, reduce 11970  
problematic use of alcohol and other drugs, or both. 11971

(D) "Chemical dependency conditions" means those conditions 11972  
relating to the abuse of or dependency on alcohol or other drugs 11973  
that are classified in accepted nosologies, including the 11974  
diagnostic and statistical manual of mental disorders and the 11975  
international classification of diseases, and in editions of those 11976  
nosologies published after December 23, 2002. 11977

(E) "Chemical dependency counseling" means rendering or 11978  
offering to render to individuals, groups, or the public a 11979  
counseling service involving the application of alcohol and other 11980  
drug clinical counseling principles, methods, or procedures to 11981  
assist individuals who are abusing or dependent on alcohol or 11982  
other drugs. 11983

(F) "Pathological and problem gambling" means a persistent 11984  
and recurring maladaptive gambling behavior that is classified in 11985  
accepted nosologies, including the diagnostic and statistical 11986  
manual of mental disorders and the international classification of 11987  
diseases, and in editions of those nosologies published after the 11988  
effective date of this section. 11989

(G) Unless the context provides otherwise, "scope of 11990  
practice" means the services, methods, and techniques in which and 11991  
the areas for which a person who holds a license ~~or~~ certificate, 11992  
or endorsement under this chapter is trained and qualified. 11993

~~(G)~~(H) "Substance abuse professional" has the same meaning as 11994  
in 49 C.F.R. 40.3. 11995

~~(H)~~(I) "U.S. department of transportation drug and alcohol 11996  
testing program" means a transportation workplace drug and alcohol 11997  
testing program governed by 49 C.F.R. part 40. 11998

Sec. 4758.02. (A) Except as provided in section 4758.03 of the Revised Code, no person shall do any of the following:

(1) Engage in or represent to the public that the person engages in chemical dependency counseling for a fee, salary, or other consideration unless the person holds a valid independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, or chemical dependency counselor assistant certificate issued under this chapter;

(2) Use the title "licensed independent chemical dependency counselor-clinical supervisor," "LICDC-CS," "licensed independent chemical dependency counselor," "LICDC," "licensed chemical dependency counselor III," "LCDC III," "licensed chemical dependency counselor II," "LCDC II," "chemical dependency counselor assistant," "CDCA," or any other title or description incorporating the word "chemical dependency counselor" or any other initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials;

(3) Represent to the public that the person holds a pathological and problem gambling endorsement unless the person holds a valid pathological and problem gambling endorsement issued under this chapter;

(4) Represent to the public that the person is a registered applicant unless the person holds a valid registered applicant certificate issued under this chapter;

~~(4)~~(5) Use the title "certified prevention specialist II," "CPS II," "certified prevention specialist I," "CPS I," "certified prevention specialist assistant," "CPSA," "registered applicant," "RA," or any other title, description, or initials used to

identify persons acting in those capacities unless currently 12030  
authorized under this chapter to act in the capacity indicated by 12031  
the title or initials. 12032

(B) No person shall engage in or represent to the public that 12033  
the person engages in chemical dependency counseling as a chemical 12034  
dependency counselor I. 12035

**Sec. 4758.06.** No individual who holds or has held a license 12036  
~~or, certificate, or endorsement~~ issued under this chapter shall 12037  
disclose any information regarding the identity, diagnosis, or 12038  
treatment of any of the individual's clients or consumers except 12039  
for the purposes and under the circumstances expressly authorized 12040  
by 42 U.S.C.A. 290dd-2, regulations promulgated pursuant to that 12041  
federal law, other federal law enacted after ~~the effective date of~~ 12042  
~~this section~~ December 23, 2002, to replace 42 U.S.C.A. 290dd-2, or 12043  
regulations promulgated under the replacement federal law. The 12044  
prohibition of this section applies whether or not the information 12045  
is recorded. 12046

**Sec. 4758.16.** The chemical dependency professionals board 12047  
shall not discriminate against any licensee, certificate holder, 12048  
endorsement holder, or applicant for a license ~~or, certificate, or~~ 12049  
endorsement under this chapter because of the individual's race, 12050  
color, religion, gender, national origin, disability as defined in 12051  
section 4112.01 of the Revised Code, or age. The board shall 12052  
afford a hearing to any individual who files with the board a 12053  
statement alleging discrimination based on any of those reasons. 12054

**Sec. 4758.20.** (A) The chemical dependency professionals board 12055  
shall adopt rules to establish, specify, or provide for all of the 12056  
following: 12057

(1) Fees for the purposes authorized by section 4758.21 of 12058  
the Revised Code; 12059

(2) If the board, pursuant to section 4758.221 of the Revised Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a U.S. department of transportation drug and alcohol testing program, the board's administration of the examinations;

(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license ~~or~~, certificate, or endorsement issued under this chapter;

(4) For the purpose of section 4758.24 of the Revised Code, all of the following:

(a) Good moral character requirements for an individual who seeks or holds a license ~~or~~, certificate, or endorsement issued under this chapter;

(b) The documents that an individual seeking such a license ~~or~~, certificate, or endorsement must submit to the board;

(c) Requirements to obtain the license ~~or~~, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, ~~and~~ 4758.47, and 4758.48 of the Revised Code. The additional requirements may include preceptorships.

(d) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.

(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license ~~or~~, certificate, or endorsement issued under this chapter;

(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a

license ~~or~~, certificate, or endorsement issued under this chapter 12090  
whose abilities to practice are impaired due to abuse of or 12091  
dependency on alcohol or other drugs or other physical or mental 12092  
condition; 12093

(7) Requirements governing reinstatement of a suspended or 12094  
revoked license ~~or~~, certificate, or endorsement under division (B) 12095  
of section 4758.30 of the Revised Code, including requirements for 12096  
determining the amount of time an individual must wait to apply 12097  
for reinstatement; 12098

(8) For the purpose of section 4758.31 of the Revised Code, 12099  
methods of ensuring that all records the board holds pertaining to 12100  
an investigation remain confidential during the investigation; 12101

(9) Criteria for employees of the board to follow when 12102  
performing their duties under division (B) of section 4758.35 of 12103  
the Revised Code; 12104

(10) For the purpose of division (A)(1) of section 4758.39 12105  
and division (A)(1) of section 4758.40 of the Revised Code, course 12106  
requirements for a degree in a behavioral science or nursing that 12107  
shall, at a minimum, include at least forty semester hours in all 12108  
of the following courses: 12109

(a) Theories of counseling and psychotherapy; 12110

(b) Counseling procedures; 12111

(c) Group process and techniques; 12112

(d) Relationship therapy; 12113

(e) Research methods and statistics; 12114

(f) Fundamentals of assessment and diagnosis, including 12115  
measurement and appraisal; 12116

(g) Psychopathology; 12117

(h) Human development; 12118

(i) Cultural competence in counseling;	12119
(j) Ethics.	12120
(11) For the purpose of division (A)(3) of section 4758.39,	12121
division (A)(3) of section 4758.40, division (A)(3) of section	12122
4758.41, and division (A)(3) of section 4758.42 of the Revised	12123
Code, training requirements for chemical dependency that shall, at	12124
a minimum, include qualifications for the individuals who provide	12125
the training and instruction in all of the following courses:	12126
(a) Theories of addiction;	12127
(b) Counseling procedures and strategies with addicted	12128
populations;	12129
(c) Group process and techniques working with addicted	12130
populations;	12131
(d) Assessment and diagnosis of addiction;	12132
(e) Relationship counseling with addicted populations;	12133
(f) Pharmacology;	12134
(g) Prevention strategies;	12135
(h) Treatment planning;	12136
(i) Legal and ethical issues.	12137
(12) For the purpose of division (B)(2)(b) of section 4758.40	12138
and division (B)(2) of section 4758.41 of the Revised Code,	12139
requirements for the forty clock hours of training on the version	12140
of the diagnostic and statistical manual of mental disorders that	12141
is current at the time of the training, including the number of	12142
the clock hours that must be on substance-related disorders, the	12143
number of the clock hours that must be on chemical dependency	12144
conditions, and the number of the clock hours that must be on	12145
awareness of other mental and emotional disorders;	12146
(13) For the purpose of division (A)(1) of section 4758.41 of	12147

the Revised Code, course requirements for a degree in a behavioral science or nursing; 12148  
12149

(14) For the purpose of division (A) of section 4758.43 of the Revised Code, training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in one or more of the courses listed in division (A)(10) of this section as selected by the individual seeking the chemical dependency counselor assistant certificate; 12150  
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(15) For the purpose of division (A)(2) of section 4758.44 of the Revised Code, the field of study in which an individual must obtain at least a bachelor's degree; 12157  
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(16) For the purpose of division (A)(3) of section 4758.44, division (A)(3) of section 4758.45, and division (D) of section 4758.46 of the Revised Code, requirements for prevention-related education; 12160  
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(17) For the purpose of division (A)(4) of section 4758.44 of the Revised Code, the number of hours of administrative or supervisory education that an individual must have; 12164  
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(18) For the purpose of division (A)(2) of section 4758.45 of the Revised Code, the field of study in which an individual must obtain at least an associate's degree; 12167  
12168  
12169

(19) Standards for the one hundred hours of compensated work or supervised internship in pathological and problem gambling direct clinical experience required by division (B)(2) of section 4758.48 of the Revised Code; 12170  
12171  
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(20) For the purpose of section 4758.51 of the Revised Code, continuing education requirements for individuals who hold a license ~~or~~, certificate, or endorsement issued under this chapter; 12174  
12175  
12176

~~(20)~~(21) For the purpose of section 4758.51 of the Revised 12177



Code, the number of hours of continuing education that an 12178  
individual must complete to have an expired license ~~or~~ 12179  
certificate, or endorsement restored under section 4758.26 of the 12180  
Revised Code; 12181

~~(21)~~(22) For the purpose of divisions (A) and (B) of section 12182  
4758.52 of the Revised Code, training requirements for chemical 12183  
dependency counseling; 12184

~~(22)~~(23) The duties, which may differ, of all of the 12185  
following: 12186

(a) An independent chemical dependency counselor-clinical 12187  
supervisor licensed under this chapter who supervises a chemical 12188  
dependency counselor III under section 4758.56 of the Revised 12189  
Code; 12190

(b) An independent chemical dependency counselor-clinical 12191  
supervisor, independent chemical dependency counselor, or chemical 12192  
dependency counselor III licensed under this chapter who 12193  
supervises a chemical dependency counselor assistant under section 12194  
4758.59 of the Revised Code; 12195

(c) A prevention specialist II or prevention specialist I 12196  
certified under this chapter or independent chemical dependency 12197  
counselor-clinical supervisor, independent chemical dependency 12198  
counselor, or chemical dependency counselor III licensed under 12199  
this chapter who supervises a prevention specialist assistant or 12200  
registered applicant under section 4758.61 of the Revised Code. 12201

~~(23)~~(24) The duties of an independent chemical dependency 12202  
counselor licensed under this chapter who holds the pathological 12203  
and problem gambling endorsement who supervises a chemical 12204  
dependency counselor III with the pathological and problem 12205  
gambling endorsement under section 4758.62 of the Revised Code. 12206

(25) Anything else necessary to administer this chapter. 12207

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.

(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services.

**Sec. 4758.21.** (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the chemical dependency professionals board shall establish, and may from time to time adjust, fees to be charged for the following:

(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;

(2) Issuing an initial independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, prevention specialist assistant certificate, or registered applicant certificate;

(3) Issuing an initial pathological and problem gambling endorsement;

(4) Renewing an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist

II certificate, prevention specialist I certificate, or prevention specialist assistant certificate;	12238
	12239
<del>(4)(5) Renewing a pathological and problem gambling endorsement;</del>	12240
	12241
(6) Approving continuing education courses under section 4758.28 of the Revised Code;	12242
	12243
<del>(5)(7) Doing anything else the board determines necessary to administer this chapter.</del>	12244
	12245
(B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The fees for a license <del>or</del> certificate, <u>or endorsement</u> and the renewal of a license <del>or</del> certificate, <u>or endorsement</u> may differ for the various types of licenses <del>and</del> certificates, <u>or endorsements</u> , but shall not exceed one hundred seventy-five dollars each, unless the board determines that amounts in excess of one hundred seventy-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred seventy-five dollars are approved by the controlling board.	12246
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(C) All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board.	12259
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	12261
<b>Sec. 4758.23.</b> (A) In rules adopted under section 4758.20 of the Revised Code, the chemical dependency professionals board shall establish codes of ethical practice and professional conduct for the following:	12262
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	12265
(1) Individuals who hold a valid independent chemical dependency counselor-clinical supervisor license, independent	12266
	12267

chemical dependency counselor license, chemical dependency  
counselor III license, chemical dependency counselor II license,  
or chemical dependency counselor assistant certificate issued  
under this chapter;

(2) Individuals who hold a valid prevention specialist II  
certificate, prevention specialist I certificate, prevention  
specialist assistant certificate, or registered applicant  
certificate issued under this chapter;

(3) Individuals who hold a valid pathological and problem  
gambling endorsement.

(B) The codes for individuals identified under division  
(A)(1) of this section shall define unprofessional conduct, which  
shall include engaging in a dual relationship with a client,  
former client, consumer, or former consumer; committing an act of  
sexual abuse, misconduct, or exploitation of a client, former  
client, consumer, or former consumer; and, except as permitted by  
law, violating client or consumer confidentiality.

(C) The codes for individuals identified under division  
(A)(1) of this section may be based on any codes of ethical  
practice and professional conduct developed by national  
associations or other organizations representing the interests of  
those involved in chemical dependency counseling. The codes for  
individuals identified under division (A)(2) of this section may  
be based on any codes of ethical practice and professional conduct  
developed by national associations or other organizations  
representing the interests of those involved in alcohol and other  
drug prevention services. The board may establish standards in the  
codes that are more stringent than those established by the  
national associations or other organizations.

**Sec. 4758.24.** (A) The chemical dependency professionals board  
shall issue a license ~~or~~, certificate, or endorsement under this

chapter to an individual who meets all of the following	12299
requirements:	12300
(1) Is of good moral character as determined in accordance	12301
with rules adopted under section 4758.20 of the Revised Code;	12302
(2) Except as provided in section 4758.241 of the Revised	12303
Code, submits a properly completed application and all other	12304
documentation specified in rules adopted under section 4758.20 of	12305
the Revised Code;	12306
(3) Except as provided in section 4758.241 of the Revised	12307
Code, pays the fee established under section 4758.21 of the	12308
Revised Code for the license <del>or</del> , <u>certificate, or endorsement</u> that	12309
the individual seeks;	12310
(4) Meets the requirements to obtain the license <del>or</del> ,	12311
<u>certificate, or endorsement</u> that the individual seeks as specified	12312
in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44,	12313
4758.45, 4758.46, <del>or</del> <u>4758.47, or 4758.48</u> of the Revised Code;	12314
(5) Meets any additional requirements specified in rules	12315
adopted under section 4758.20 of the Revised Code to obtain the	12316
license <del>or</del> , <u>certificate, or endorsement</u> that the individual seeks.	12317
(B) The board shall not do either of the following:	12318
(1) Issue a certificate to practice as a chemical dependency	12319
counselor I;	12320
(2) Issue a new registered applicant certificate to an	12321
individual whose previous registered applicant certificate has	12322
been expired for less than the period of time specified in rules	12323
adopted under section 4758.20 of the Revised Code.	12324
<b>Sec. 4758.26.</b> (A) Subject to section 4758.30 of the Revised	12325
Code, a license <del>or</del> , <u>certificate, or endorsement</u> issued under this	12326
chapter expires the following period of time after it is issued:	12327

(1) In the case of an initial chemical dependency counselor assistant certificate, thirteen months; 12328  
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(2) In the case of any other license ~~or~~, certificate, or 12330  
endorsement, two years. 12331

(B) Subject to section 4758.30 of the Revised Code and except 12332  
as provided in section 4758.27 of the Revised Code, the chemical 12333  
dependency professionals board shall renew a license ~~or~~, 12334  
certificate, or endorsement issued under this chapter in 12335  
accordance with the standard renewal procedure established under 12336  
Chapter 4745. of the Revised Code if the individual seeking the 12337  
renewal pays the renewal fee established under section 4758.21 of 12338  
the Revised Code and does the following: 12339

(1) In the case of an individual seeking renewal of an 12340  
initial chemical dependency counselor assistant certificate, 12341  
satisfies the additional training requirement established under 12342  
section 4758.52 of the Revised Code; 12343

(2) In the case of any other individual, satisfies the 12344  
continuing education requirements established under section 12345  
4758.51 of the Revised Code. 12346

(C) Subject to section 4758.30 of the Revised Code and except 12347  
as provided in section 4758.27 of the Revised Code, a license ~~or~~, 12348  
certificate, or endorsement issued under this chapter that has 12349  
expired may be restored if the individual seeking the restoration, 12350  
not later than two years after the license ~~or~~, certificate, or 12351  
endorsement expires, applies for restoration of the license ~~or~~, 12352  
certificate, or endorsement. The board shall issue a restored 12353  
license ~~or~~, certificate, or endorsement to the individual if the 12354  
individual pays the renewal fee established under section 4758.21 12355  
of the Revised Code and does the following: 12356

(1) In the case of an individual whose initial chemical 12357  
dependency counselor assistant certificate expired, satisfies the 12358

additional training requirement established under section 4758.52 12359  
of the Revised Code; 12360

(2) In the case of any other individual, satisfies the 12361  
continuing education requirements established under section 12362  
4758.51 of the Revised Code for restoring the license ~~or~~ 12363  
certificate, or endorsement. 12364

The board shall not require an individual to take an 12365  
examination as a condition of having an expired license ~~or~~ 12366  
certificate, or endorsement restored under this section. 12367

**Sec. 4758.28.** The chemical dependency professionals board 12368  
shall approve, in accordance with rules adopted under section 12369  
4758.20 of the Revised Code and subject to payment of the fee 12370  
established under section 4758.21 of the Revised Code, continuing 12371  
education courses of study for individuals who hold a license ~~or~~ 12372  
certificate, or endorsement issued under this chapter. 12373

**Sec. 4758.29.** On receipt of a notice pursuant to section 12374  
3123.43 of the Revised Code, the chemical dependency professionals 12375  
board shall comply with sections 3123.41 to 3123.50 of the Revised 12376  
Code and any applicable rules adopted under section 3123.63 of the 12377  
Revised Code with respect to a license ~~or~~ certificate, or 12378  
endorsement issued pursuant to this chapter. 12379

**Sec. 4758.30.** (A) The chemical dependency professionals 12380  
board, in accordance with Chapter 119. of the Revised Code, may 12381  
refuse to issue a license ~~or~~ certificate, or endorsement applied 12382  
for under this chapter; refuse to renew or restore a license ~~or~~ 12383  
certificate, or endorsement issued under this chapter; suspend, 12384  
revoke, or otherwise restrict a license ~~or~~ certificate, or 12385  
endorsement issued under this chapter; or reprimand an individual 12386  
holding a license ~~or~~ certificate, or endorsement issued under 12387  
this chapter. These actions may be taken by the board regarding 12388

the applicant for a license ~~or~~, certificate, or endorsement or the 12389  
individual holding a license ~~or~~, certificate, or endorsement for 12390  
one or more of the following reasons: 12391

(1) Violation of any provision of this chapter or rules 12392  
adopted under it; 12393

(2) Knowingly making a false statement on an application for 12394  
a license ~~or~~, certificate, or endorsement or for renewal, 12395  
restoration, or reinstatement of a license ~~or~~, certificate, or 12396  
endorsement; 12397

(3) Acceptance of a commission or rebate for referring an 12398  
individual to a person who holds a license or certificate issued 12399  
by, or who is registered with, an entity of state government, 12400  
including persons practicing chemical dependency counseling, 12401  
alcohol and other drug prevention services, pathological and 12402  
problem gambling counseling, or fields related to chemical 12403  
dependency counseling, pathological and problem gambling 12404  
counseling, or alcohol and other drug prevention services; 12405

(4) Conviction in this or any other state of any crime that 12406  
is a felony in this state; 12407

(5) Conviction in this or any other state of a misdemeanor 12408  
committed in the course of practice as an independent chemical 12409  
dependency counselor-clinical supervisor, independent chemical 12410  
dependency counselor, chemical dependency counselor III, chemical 12411  
dependency counselor II, chemical dependency counselor assistant, 12412  
prevention specialist II, pathological and problem gambling 12413  
endorsee, prevention specialist I, prevention specialist 12414  
assistant, or registered applicant; 12415

(6) Inability to practice as an independent chemical 12416  
dependency counselor-clinical supervisor, independent chemical 12417  
dependency counselor, chemical dependency counselor III, chemical 12418  
dependency counselor II, chemical dependency counselor assistant, 12419



pathological and problem gambling endorsee, prevention specialist 12420  
II, prevention specialist I, prevention specialist assistant, or 12421  
registered applicant due to abuse of or dependency on alcohol or 12422  
other drugs or other physical or mental condition; 12423

(7) Practicing outside the individual's scope of practice; 12424

(8) Practicing without complying with the supervision 12425  
requirements specified under section 4758.56, 4758.59, ~~or 4758.61~~, 12426  
or 4758.62 of the Revised Code; 12427

(9) Violation of the code of ethical practice and 12428  
professional conduct for chemical dependency counseling ~~or~~, 12429  
alcohol and other drug prevention, or pathological and problem 12430  
gambling counseling services adopted by the board pursuant to 12431  
section 4758.23 of the Revised Code; 12432

(10) Revocation of a license ~~or~~, certificate, or endorsement 12433  
or voluntary surrender of a license ~~or~~, certificate, or 12434  
endorsement in another state or jurisdiction for an offense that 12435  
would be a violation of this chapter. 12436

(B) An individual whose license ~~or~~, certificate, or 12437  
endorsement has been suspended or revoked under this section may 12438  
apply to the board for reinstatement after an amount of time the 12439  
board shall determine in accordance with rules adopted under 12440  
section 4758.20 of the Revised Code. The board may accept or 12441  
refuse an application for reinstatement. The board may require an 12442  
examination for reinstatement of a license ~~or~~, certificate, or 12443  
endorsement that has been suspended or revoked. 12444

**Sec. 4758.31.** The chemical dependency professionals board 12445  
shall investigate alleged violations of this chapter or the rules 12446  
adopted under it and alleged irregularities in the delivery of 12447  
chemical dependency counseling services, pathological and problem 12448  
gambling counseling services, or alcohol and other drug prevention 12449

services by individuals who hold a license ~~or~~, certificate, or 12450  
endorsement issued under this chapter. As part of an 12451  
investigation, the board may issue subpoenas, examine witnesses, 12452  
and administer oaths. 12453

The board may receive any information necessary to conduct an 12454  
investigation under this section that has been obtained in 12455  
accordance with federal laws and regulations. If the board is 12456  
investigating the provision of chemical dependency counseling 12457  
services or pathological and problem gambling counseling services 12458  
to a couple or group, it is not necessary for both members of the 12459  
couple or all members of the group to consent to the release of 12460  
information relevant to the investigation. 12461

The board shall ensure, in accordance with rules adopted 12462  
under section 4758.20 of the Revised Code, that all records it 12463  
holds pertaining to an investigation remain confidential during 12464  
the investigation. After the investigation, the records are public 12465  
records except as otherwise provided by federal or state law. 12466

**Sec. 4758.35.** (A) An individual seeking a license ~~or~~, 12467  
certificate, or endorsement issued under this chapter shall file 12468  
with the chemical dependency professionals board a written 12469  
application on a form prescribed by the board. Each form shall 12470  
state that a false statement made on the form is the crime of 12471  
falsification under section 2921.13 of the Revised Code. 12472

(B) The board shall require an individual or individuals 12473  
employed by the board under section 4758.15 of the Revised Code to 12474  
do both of the following in accordance with criteria established 12475  
by rules adopted under section 4758.20 of the Revised Code: 12476

(1) Receive and review all applications submitted to the 12477  
board; 12478

(2) Submit to the board all applications the individual or 12479

individuals recommend the board review based on the criteria 12480  
established in the rules. 12481

(C) The board shall review all applications submitted to the 12482  
board pursuant to division (B)(2) of this section. 12483

**Sec. 4758.36.** As part of the review process under division 12484  
(C) of section 4758.35 of the Revised Code of an application 12485  
submitted by an applicant who has obtained the applicant's 12486  
education, experience in chemical dependency counseling, 12487  
pathological and problem gambling, or alcohol and other drug 12488  
prevention services, or education and experience outside the 12489  
United States, the chemical dependency professionals board shall 12490  
determine whether the applicant's command of the English language 12491  
and education or experience meet the standards required by this 12492  
chapter and rules adopted under it. 12493

**Sec. 4758.48.** An individual is not eligible for a 12494  
pathological and problem gambling endorsement unless the 12495  
individual meets the requirements of divisions (A) and (B) of this 12496  
section. 12497

(A) The individual is one or more of the following: 12498

(1) An independent chemical dependency counselor, chemical 12499  
dependency counselor III, or chemical dependency counselor II 12500  
licensed under this chapter; 12501

(2) Authorized to practice medicine and surgery or 12502  
osteopathic medicine and surgery under Chapter 4731. of the 12503  
Revised Code; 12504

(3) A psychologist licensed under Chapter 4732. of the 12505  
Revised Code; 12506

(4) A registered nurse licensed under Chapter 4723. of the 12507  
Revised Code; or 12508

(5) A professional clinical counselor, professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code. 12509  
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An individual who is a registered nurse or a professional clinical counselor, professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist is ineligible for the endorsement unless the endorsement is consistent with the individual's scope of practice. 12513  
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(B) Except as otherwise provided in this division, the individual has completed both of the following: 12519  
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(1) A minimum of thirty hours of training in pathological and problem gambling that meets the requirements prescribed in rules adopted under section 4758.20 of the Revised Code; and 12521  
12522  
12523

(2) A minimum of one hundred hours of compensated work or supervised internship in pathological and problem gambling direct clinical experience. 12524  
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An independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II licensed under this chapter may be issued an initial pathological and problem gambling endorsement without having complied with division (B)(2) of this section, but the independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II shall comply with division (B)(2) of this section before expiration of the initial endorsement. An independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II who fails to comply with this paragraph is not entitled to renewal of the initial endorsement. 12527  
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**Sec. 4758.50.** An individual who holds a license ~~or~~, 12539  
certificate, or endorsement issued under this chapter shall post 12540  
the license ~~or~~, certificate, or endorsement in a prominent place 12541  
at the individual's place of employment. 12542

**Sec. 4758.51.** (A) Except as provided in division (C) of this 12543  
section and in accordance with rules adopted under section 4758.20 12544  
of the Revised Code, each individual who holds a license ~~or~~, 12545  
certificate, or endorsement issued under this chapter, other than 12546  
an initial chemical dependency counselor assistant certificate, 12547  
shall complete during the period that the license ~~or~~, certificate, 12548  
or endorsement is in effect not less than the following number of 12549  
clock hours of continuing education as a condition of receiving a 12550  
renewed license ~~or~~, certificate, or endorsement: 12551

(1) In the case of an individual holding a prevention 12552  
specialist assistant certificate, twenty; 12553

(2) In the case of an individual holding a pathological and 12554  
problem gambling endorsement, six; 12555

(3) In the case of any other individual, forty. 12556

(B) Except as provided in division (C) of this section, an 12557  
individual whose license ~~or~~, certificate, or endorsement issued 12558  
under this chapter, other than an initial chemical dependency 12559  
counselor assistant certificate, has expired shall complete the 12560  
number of hours of continuing education specified in rules adopted 12561  
under section 4758.20 of the Revised Code as a condition of 12562  
receiving a restored license ~~or~~, certificate, or endorsement. 12563

(C) The chemical dependency professionals board may waive the 12564  
continuing education requirements established under this section 12565  
for individuals who are unable to fulfill them because of military 12566  
service, illness, residence outside the United States, or any 12567  
other reason the board considers acceptable. 12568

**Sec. 4758.60.** An individual who holds a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter may engage in the practice of ~~alcohol and other drug~~ prevention services as specified in rules adopted under section 4758.20 of the Revised Code.

**Sec. 4758.62.** An individual who holds an independent chemical dependency counselor license and a pathological and problem gambling treatment endorsement may do all of the following:

(A) Diagnose and treat pathological and problem gambling conditions;

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to pathological and problem gambling;

(C) Supervise pathological and problem gambling treatment counseling; and

(D) Refer individuals with nonpathological and nonproblem gambling conditions to appropriate sources of help.

**Sec. 4758.63.** An individual who holds a chemical dependency counselor III license and a pathological and problem gambling endorsement may do all of the following:

(A) Treat pathological and problem gambling conditions;

(B) Diagnose pathological and problem gambling conditions under supervision;

(C) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to

<u>pathological and problem gambling;</u>	12597
<u>(D) Supervise pathological and problem gambling treatment</u>	12598
<u>counseling under supervision; and</u>	12599
<u>(E) Refer individuals having nonpathological and nonproblem</u>	12600
<u>gambling conditions to appropriate sources of help.</u>	12601
<u>The supervision required by divisions (B) and (D) of this</u>	12602
<u>section shall be provided by an independent chemical dependency</u>	12603
<u>counselor licensed under this chapter; an individual authorized to</u>	12604
<u>practice medicine and surgery or osteopathic medicine and surgery</u>	12605
<u>under Chapter 4731. of the Revised Code; a psychologist licensed</u>	12606
<u>under Chapter 4732. of the Revised Code; a registered nurse</u>	12607
<u>licensed under Chapter 4723. of the Revised Code; or a</u>	12608
<u>professional clinical counselor, independent social worker, or</u>	12609
<u>independent marriage and family therapist licensed under Chapter</u>	12610
<u>4757. of the Revised Code. A registered nurse or a professional</u>	12611
<u>clinical counselor, independent social worker, or independent</u>	12612
<u>marriage and family therapist is not qualified to provide</u>	12613
<u>supervision unless the individual holds a pathological and problem</u>	12614
<u>gambling endorsement.</u>	12615
<u>An individual holding a chemical dependency counselor III</u>	12616
<u>license shall not practice as an individual practitioner.</u>	12617
<u>Sec. 4758.64. An individual who holds a chemical dependency</u>	12618
<u>counselor II license and a pathological and problem gambling</u>	12619
<u>endorsement may do all of the following:</u>	12620
<u>(A) Treat pathological and problem gambling conditions;</u>	12621
<u>(B) Perform treatment planning, assessment, crisis</u>	12622
<u>intervention, individual and group counseling, case management,</u>	12623
<u>and educational services insofar as those functions relate to</u>	12624
<u>pathological and problem gambling; and</u>	12625
<u>(C) Refer individuals having nonpathological and nonproblem</u>	12626

gambling conditions to appropriate sources of help. 12627

An individual holding a chemical dependency II license shall 12628

not practice as an individual practitioner. 12629

**Sec. 4758.71.** Nothing in this chapter or the rules adopted 12630  
under it authorizes an individual who holds a license ~~or~~ 12631  
certificate, or endorsement issued under this chapter to admit a 12632  
patient to a hospital or requires a hospital to allow any such 12633  
individual to admit a patient. 12634

**Sec. 4781.121.** (A) The manufactured homes commission, 12635  
pursuant to section 4781.04 of the Revised Code, may investigate 12636  
any person who allegedly has committed a violation. If, after an 12637  
investigation the commission determines that reasonable evidence 12638  
exists that a person has committed a violation, within seven days 12639  
after that determination, the commission shall send a written 12640  
notice to that person in the same manner as prescribed in section 12641  
119.07 of the Revised Code for licensees, except that the notice 12642  
shall specify that a hearing will be held and specify the date, 12643  
time, and place of the hearing. 12644

(B) The commission shall hold a hearing regarding the alleged 12645  
violation in the same manner prescribed for an adjudication 12646  
hearing under section 119.09 of the Revised Code. If the 12647  
commission, after the hearing, determines that a violation has 12648  
occurred, the commission, upon an affirmative vote of five of its 12649  
members, may impose a fine not exceeding one thousand dollars per 12650  
violation per day. The commission's determination is an order that 12651  
the person may appeal in accordance with section 119.12 of the 12652  
Revised Code. 12653

(C) If the person who allegedly committed a violation fails 12654  
to appear for a hearing, the commission may request the court of 12655  
common pleas of the county where the alleged violation occurred to 12656



compel the person to appear before the commission for a hearing. 12657

(D) If the commission assesses a person a civil penalty for a 12658  
violation and the person fails to pay that civil penalty within 12659  
the time period prescribed by the commission pursuant to section 12660  
131.02 of the Revised Code, the commission shall forward to the 12661  
attorney general the name of the person and the amount of the 12662  
civil penalty for the purpose of collecting that civil penalty. In 12663  
addition to the civil penalty assessed pursuant to this section, 12664  
the person also shall pay any fee assessed by the attorney general 12665  
for collection of the civil penalty. 12666

(E) The authority provided to the commission pursuant to this 12667  
section, and any fine imposed under this section, shall be in 12668  
addition to, and not in lieu of, all penalties and other remedies 12669  
provided in this chapter. Any fines collected pursuant to this 12670  
section shall be used solely to administer and enforce this 12671  
chapter and rules adopted under it. Any fees collected pursuant to 12672  
this section shall be transmitted to the treasurer of state and 12673  
shall be credited to the manufactured homes commission regulatory 12674  
fund created in section 4781.54 of the Revised Code and the rules 12675  
adopted thereunder. The fees shall be used only for the purpose of 12676  
administering and enforcing sections 4781.26 to 4781.35 of the 12677  
Revised Code and the rules adopted thereunder. 12678

(F) As used in this section, "violation" means a violation of 12679  
section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant 12680  
to ~~section 4781.04, of the Revised Code~~ this chapter. 12681

**Sec. 4781.29.** The manufactured homes commission may refuse to 12682  
grant, may suspend, or may revoke any license granted to any 12683  
person for failure to comply with ~~sections 4781.26 to 4781.35 of~~ 12684  
~~the Revised Code~~ this chapter or with any rule adopted under 12685  
~~section 4781.26 of the Revised Code~~ it. 12686

<b>Sec. 4905.01.</b> As used in this chapter:	12687
(A) "Railroad" has the same meaning as in section 4907.02 of the Revised Code.	12688 12689
(B) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.	12690 12691
(C) "Motor vehicle" and "public highway" have the same meanings as in section 4921.01 of the Revised Code.	12692 12693
(D) "Ohio coal research and development costs" means all reasonable costs associated with a facility or project undertaken by a public utility for which a recommendation to allow the recovery of costs associated therewith has been made under division (B)(7) of section 1551.33 of the Revised Code, including, but not limited to, capital costs, such as costs of debt and equity; construction and operation costs; termination and retirement costs; costs of feasibility and marketing studies associated with the project; and the acquisition and delivery costs of Ohio coal used in the project, less any expenditures of grant moneys.	12694 12695 12696 12697 12698 12699 12700 12701 12702 12703 12704
<u>(E) "Intermodal equipment provider" has the same meaning as in 49 C.F.R. 390.5.</u>	12705 12706
<b>Sec. 4905.81.</b> The public utilities commission shall:	12707
(A) Supervise and regulate each motor carrier;	12708
(B) Regulate the safety of operation of each motor carrier <u>and intermodal equipment provider;</u>	12709 12710
(C) Adopt reasonable safety rules applicable to the highway transportation of persons or property in interstate and intrastate commerce by motor carriers;	12711 12712 12713
(D) Adopt safety rules applicable to the transportation and offering for transportation of hazardous materials in interstate	12714 12715

and intrastate commerce by motor carriers. The rules shall not be 12716  
incompatible with the requirements of the United States department 12717  
of transportation. 12718

(E) Require the filing of reports and other data by motor 12719  
carriers; 12720

(F) Adopt reasonable rules for the administration and 12721  
enforcement of this chapter and Chapters 4901., 4903., 4907., 12722  
4909., 4921., and 4923. of the Revised Code applying to each motor 12723  
carrier in this state; 12724

(G) Supervise and regulate motor carriers in all other 12725  
matters affecting the relationship between those carriers and the 12726  
public to the exclusion of all local authorities, except as 12727  
provided in this section. The commission, in the exercise of the 12728  
jurisdiction conferred upon it by this chapter and Chapters 4901., 12729  
4903., 4907., 4909., 4921., and 4923. of the Revised Code, may 12730  
adopt rules affecting motor carriers, notwithstanding the 12731  
provisions of any ordinance, resolution, license, or permit 12732  
enacted, adopted, or granted by any township, municipal 12733  
corporation, municipal corporation and county, or county. In case 12734  
of conflict between any such ordinance, resolution, license, or 12735  
permit, the order or rule of the commission shall prevail. Local 12736  
subdivisions may adopt reasonable local police rules within their 12737  
respective boundaries not inconsistent with those chapters and 12738  
rules adopted under them. 12739

The commission has jurisdiction to receive, hear, and 12740  
determine as a question of fact, upon complaint of any party or 12741  
upon its own motion, and upon not less than fifteen days' notice 12742  
of the time and place of the hearing and the matter to be heard, 12743  
whether any corporation, company, association, joint-stock 12744  
association, person, firm, or copartnership, or their lessees, 12745  
legal or personal representatives, trustees, or receivers or 12746  
trustees appointed by any court, is engaged as a motor carrier. 12747

The finding of the commission on such a question is a final order 12748  
that may be reviewed as provided in section 4923.15 of the Revised 12749  
Code. 12750

**Sec. 4905.95.** (A) Except as otherwise provided in division 12751  
(C) of this section: 12752

(1) The public utilities commission, regarding any proceeding 12753  
under this section, shall provide reasonable notice and the 12754  
opportunity for a hearing in accordance with rules adopted under 12755  
section 4901.13 of the Revised Code. 12756

(2) Sections 4903.02 to 4903.082, 4903.09 to 4903.16, and 12757  
4903.20 to 4903.23 of the Revised Code apply to all proceedings 12758  
and orders of the commission under this section and to all 12759  
operators subject to those proceedings and orders. 12760

(B) If, pursuant to a proceeding it specially initiates or to 12761  
any other proceeding and after the hearing provided for under 12762  
division (A) of this section, the commission finds that: 12763

(1) An operator has violated or failed to comply with, or is 12764  
violating or failing to comply with, sections 4905.90 to 4905.96 12765  
of the Revised Code or the pipe-line safety code, the commission 12766  
by order: 12767

(a) Shall require the operator to comply and to undertake 12768  
corrective action necessary to protect the public safety; 12769

(b) May assess upon the operator forfeitures of not more than 12770  
~~one~~ two hundred thousand dollars for each day of each violation or 12771  
noncompliance, except that the aggregate of such forfeitures shall 12772  
not exceed ~~one~~ two million dollars for any related series of 12773  
violations or noncompliances. In determining the amount of any 12774  
such forfeiture, the commission shall consider all of the 12775  
following: 12776

(i) The gravity of the violation or noncompliance; 12777

(ii) The operator's history of prior violations or noncompliances;	12778 12779
(iii) The operator's good faith efforts to comply and undertake corrective action;	12780 12781
(iv) The operator's ability to pay the forfeiture;	12782
(v) The effect of the forfeiture on the operator's ability to continue as an operator;	12783 12784
(vi) Such other matters as justice may require.	12785
All forfeitures collected under this division or section 4905.96 of the Revised Code shall be deposited in the state treasury to the credit of the general revenue fund.	12786 12787 12788
(c) May direct the attorney general to seek the remedies provided in section 4905.96 of the Revised Code.	12789 12790
(2) An intrastate pipe-line transportation facility is hazardous to life or property, the commission by order:	12791 12792
(a) Shall require the operator of the facility to take corrective action to remove the hazard. Such corrective action may include suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other action.	12793 12794 12795 12796
(b) May direct the attorney general to seek the remedies provided in section 4905.96 of the Revised Code.	12797 12798
(C) If, pursuant to a proceeding it specially initiates or to any other proceeding, the commission finds that an emergency exists due to a condition on an intrastate pipe-line transportation facility posing a clear and immediate danger to life or health or threatening a significant loss of property and requiring immediate corrective action to protect the public safety, the commission may issue, without notice or prior hearing, an order reciting its finding and may direct the attorney general to seek the remedies provided in section 4905.96 of the Revised	12799 12800 12801 12802 12803 12804 12805 12806 12807

Code. The order shall remain in effect for not more than forty 12808  
days after the date of its issuance. The order shall provide for a 12809  
hearing as soon as possible, but not later than thirty days after 12810  
the date of its issuance. After the hearing the commission shall 12811  
continue, revoke, or modify the order and may make findings under 12812  
and seek appropriate remedies as provided in division (B) of this 12813  
section. 12814

Sec. 4909.157. (A) As used in this section, "manufactured gas 12815  
plant" means a plant that was operational prior to 1970 and that 12816  
produced, for sale to customers, manufactured gas from one of the 12817  
following processes: 12818

(1) Coal gas; 12819

(2) Carburetted water gas; 12820

(3) Oil gas. 12821

(B) The public utilities commission may authorize a natural 12822  
gas company or gas company to recover environmental remediation 12823  
costs to which the following apply: 12824

(1) The costs are prudently incurred before January 1, 2025. 12825

(2) The costs are also related to real property to which all 12826  
of the following apply: 12827

(a) The property was owned by the company or a predecessor in 12828  
interest before July 1, 2014. 12829

(b) The property was formerly the site of a manufactured gas 12830  
plant. 12831

(c) At the time recovery is authorized, the property is or 12832  
was used for the provision of public utility service. 12833

(3) At least one of the following applies: 12834

(a) The costs were incurred under the voluntary action 12835  
program as described in Chapter 3746. of the Revised Code. 12836

(b) The costs were ordered by an environmental agency with jurisdiction or a court with jurisdiction. 12837  
12838

(c) The costs were the subject of a previously authorized regulatory asset. 12839  
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(C) Recovery under this section may be provided for through the establishment of a mechanism by the commission. Any such mechanism shall set forth the specific terms of the recovery. The mechanism shall include an application and an evidentiary hearing in which the applicant shall bear the burden of proof. 12841  
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(D) In determining whether to authorize recovery under this section, and in determining any amount of recovery, the commission may consider, in its prudence review, any or all of the following: 12846  
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12848

(1) The potential liability of third parties for the environmental remediation costs, and whether and to what extent those parties should share in payment of those costs; 12849  
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(2) To the extent that it can be ascertained, whether and to what extent the contamination associated with the environmental remediation costs occurred prior to the date that the company was first subject to the regulatory authority of the commission under Chapter 4905. of the Revised Code; 12852  
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(3) Whether the remediation obligation initially arose during a time when the company was subject to the regulatory authority of the commission under Chapter 4905. of the Revised Code. 12857  
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(E) If the commission authorizes recovery under this section, the company, upon the sale of the property described in division (B)(2) of this section, shall return to the company's customers the difference between the sale price of the property, minus any reasonable expenses related to the sale, and the fair market value of the property prior to remediation. 12860  
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(F) Divisions (A)(1) and (4) of section 4909.15 of the 12866

Revised Code do not preclude the recovery of environmental 12867  
remediation costs as described in this section. 12868

**Sec. 4923.01.** As used in this chapter: 12869

(A) "Ambulance," "interstate commerce," "intrastate 12870  
commerce," "motor vehicle," "public highway," "ridesharing 12871  
arrangement," and "school bus" have the same meanings as in 12872  
section 4921.01 of the Revised Code. 12873

(B) "For-hire motor carrier" means a person engaged in the 12874  
business of transporting persons or property by motor vehicle for 12875  
compensation, except when engaged in any of the following in 12876  
intrastate commerce: 12877

(1) The transportation of persons in taxicabs in the usual 12878  
taxicab service; 12879

(2) The transportation of pupils in school busses operating 12880  
to or from school sessions or school events; 12881

(3) The transportation of farm supplies to the farm or farm 12882  
products from farm to market or to food fabricating plants; 12883

(4) The distribution of newspapers; 12884

(5) The transportation of crude petroleum incidental to 12885  
gathering from wells and delivery to destination by pipe line; 12886

(6) The transportation of injured, ill, or deceased persons 12887  
by hearse or ambulance; 12888

(7) The transportation of compost (a combination of manure 12889  
and sand or shredded bark mulch) or shredded bark mulch; 12890

(8) The transportation of persons in a ridesharing 12891  
arrangement when any fee charged each person so transported is in 12892  
such amount as to recover only the person's share of the costs of 12893  
operating the motor vehicle for such purpose; 12894

(9) The operation of motor vehicles for contractors on public 12895



road work. 12896

"For-hire motor carrier" includes the carrier's agents, 12897  
officers, and representatives, as well as employees responsible 12898  
for hiring, supervising, training, assigning, or dispatching 12899  
drivers and employees concerned with the installation, inspection, 12900  
and maintenance of motor-vehicle equipment and accessories. 12901

Divisions (B)(1) to (9) of this section shall not be 12902  
construed to relieve a person from compliance with rules adopted 12903  
under division (A)(2) of section 4923.04 of the Revised Code, 12904  
division (E) of section 4923.06 of the Revised Code, division (B) 12905  
of section 4923.07 of the Revised Code, and section 4923.11 of the 12906  
Revised Code, or from compliance with rules regarding commercial 12907  
driver's licenses adopted under division (A)(1) of section 4923.04 12908  
of the Revised Code. 12909

(C) "Interchange" and "intermodal equipment" have the same 12910  
meanings as in 49 C.F.R. 390.5. 12911

(D) "Motor carrier" means both a for-hire motor carrier and a 12912  
private motor carrier. 12913

~~(D)~~(E) "Private motor carrier" means a person who is not a 12914  
for-hire motor carrier but is engaged in the business of 12915  
transporting persons or property by motor vehicle, except as 12916  
provided in section 4923.02 of the Revised Code. "Private motor 12917  
carrier" includes the carrier's agents, officers, and 12918  
representatives, as well as employees responsible for hiring, 12919  
supervising, training, assigning, or dispatching drivers and 12920  
employees concerned with the installation, inspection, and 12921  
maintenance of motor-vehicle equipment and accessories. 12922

**Sec. 4923.02.** (A) As used in this chapter, "private motor 12923  
carrier" does not include a person when engaged in any of the 12924  
following in intrastate commerce: 12925

(1) The transportation of persons in taxicabs in the usual taxicab service;	12926 12927
(2) The transportation of pupils in school busses operating to or from school sessions or school events;	12928 12929
(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;	12930 12931
(4) The distribution of newspapers;	12932
(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;	12933 12934
(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;	12935 12936
(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;	12937 12938
(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;	12939 12940 12941 12942
(9) The operation of motor vehicles for contractors on public road work.	12943 12944
(B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies:	12945 12946 12947 12948
(1) The governor of this state has declared an emergency.	12949
(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency.	12950 12951
(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate	12952 12953 12954

commerce not otherwise identified in divisions (A) and (B) of this section. 12955  
12956

(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with ~~either of the~~ following: 12957  
12958  
12959

(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code; 12960  
12961  
12962  
12963

(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code; 12964  
12965

(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code. 12966  
12967  
12968  
12969

**Sec. 4923.04.** (A)~~(1)~~ The public utilities commission shall adopt rules applicable to the ~~transportation~~ following: 12970  
12971

(1) Transportation of persons or property by motor carriers operating in interstate and intrastate commerce; 12972  
12973

~~(2) The commission shall adopt rules applicable to the highway~~ Highway transportation and offering for transportation of hazardous materials by motor carriers, and persons engaging in the highway transportation and offering for transportation of hazardous materials, operating in interstate or intrastate commerce; 12974  
12975  
12976  
12977  
12978  
12979

(3) Use and interchange of intermodal equipment. 12980

(B) The rules adopted under division (A) of this section shall not be incompatible with the requirements of the United States department of transportation. 12981  
12982  
12983

(C) To achieve the purposes of this chapter and to assist the commission in the performance of any of its powers or duties, the commission, either through the public utilities commissioners or employees authorized by it, may do either or both of the following:

(1) Apply for, and any judge of a court of record of competent jurisdiction may issue, an appropriate search warrant;

(2) Examine under oath, at the offices of the commission, any officer, agent, or employee of any person subject to this chapter. The commission, by subpoena, also may compel the attendance of a witness for the purpose of the examination and, by subpoena duces tecum, may compel the production of all books, contracts, records, and documents that relate to ~~the transportation and offering for transportation of hazardous materials~~ compliance with this chapter and the rules adopted thereunder.

**Sec. 4928.66.** (A)(1)(a) Beginning in 2009, an electric distribution utility shall implement energy efficiency programs that achieve energy savings equivalent to at least three-tenths of one per cent of the total, annual average, and normalized kilowatt-hour sales of the electric distribution utility during the preceding three calendar years to customers in this state. An energy efficiency program may include a combined heat and power system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, or a waste energy recovery system placed into service or retrofitted on or after ~~the same date~~ September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of section 4928.01 of the Revised Code may be included only if it was placed into service between January 1, 2002, and December 31, 2004. For a waste energy recovery or combined heat and power system, the savings shall be

as estimated by the public utilities commission. The savings 13015  
requirement, using such a three-year average, shall increase to an 13016  
additional five-tenths of one per cent in 2010, seven-tenths of 13017  
one per cent in 2011, eight-tenths of one per cent in 2012, 13018  
nine-tenths of one per cent in 2013, one per cent from 2014 to 13019  
2018, and two per cent each year thereafter, achieving a 13020  
cumulative, annual energy savings in excess of twenty-two per cent 13021  
by the end of 2025. ~~For purposes of a waste energy recovery or 13022  
combined heat and power system, an electric distribution utility 13023  
shall not apply more than the total annual percentage of the 13024  
electric distribution utility's industrial customer load, relative 13025  
to the electric distribution utility's total load, to the annual 13026  
energy savings requirement.~~ 13027

(b) Beginning in 2009, an electric distribution utility shall 13028  
implement peak demand reduction programs designed to achieve a one 13029  
per cent reduction in peak demand in 2009 and an additional 13030  
seventy-five hundredths of one per cent reduction each year 13031  
through 2018. In 2018, the standing committees in the house of 13032  
representatives and the senate primarily dealing with energy 13033  
issues shall make recommendations to the general assembly 13034  
regarding future peak demand reduction targets. 13035

(2) For the purposes of divisions (A)(1)(a) and (b) of this 13036  
section: 13037

(a) The baseline for energy savings under division (A)(1)(a) 13038  
of this section shall be the average of the total kilowatt hours 13039  
the electric distribution utility sold in the preceding three 13040  
calendar years, and the baseline for a peak demand reduction under 13041  
division (A)(1)(b) of this section shall be the average peak 13042  
demand on the utility in the preceding three calendar years, 13043  
except that the commission may reduce either baseline to adjust 13044  
for new economic growth in the utility's certified territory. 13045

(b) The commission may amend the benchmarks set forth in 13046  
division (A)(1)(a) or (b) of this section if, after application by 13047  
the electric distribution utility, the commission determines that 13048  
the amendment is necessary because the utility cannot reasonably 13049  
achieve the benchmarks due to regulatory, economic, or 13050  
technological reasons beyond its reasonable control. 13051

(c) Compliance with divisions (A)(1)(a) and (b) of this 13052  
section shall be measured by including the effects of all 13053  
demand-response programs for mercantile customers of the subject 13054  
electric distribution utility, all waste energy recovery systems 13055  
and all combined heat and power systems, and all such mercantile 13056  
customer-sited energy efficiency, including waste energy recovery 13057  
and combined heat and power, and peak demand reduction programs, 13058  
adjusted upward by the appropriate loss factors. Any mechanism 13059  
designed to recover the cost of energy efficiency, including waste 13060  
energy recovery and combined heat and power, and peak demand 13061  
reduction programs under divisions (A)(1)(a) and (b) of this 13062  
section may exempt mercantile customers that commit their 13063  
demand-response or other customer-sited capabilities, whether 13064  
existing or new, for integration into the electric distribution 13065  
utility's demand-response, energy efficiency, including waste 13066  
energy recovery and combined heat and power, or peak demand 13067  
reduction programs, if the commission determines that that 13068  
exemption reasonably encourages such customers to commit those 13069  
capabilities to those programs. If a mercantile customer makes 13070  
such existing or new demand-response, energy efficiency, including 13071  
waste energy recovery and combined heat and power, or peak demand 13072  
reduction capability available to an electric distribution utility 13073  
pursuant to division (A)(2)(c) of this section, the electric 13074  
utility's baseline under division (A)(2)(a) of this section shall 13075  
be adjusted to exclude the effects of all such demand-response, 13076  
energy efficiency, including waste energy recovery and combined 13077  
heat and power, or peak demand reduction programs that may have 13078

existed during the period used to establish the baseline. The 13079  
baseline also shall be normalized for changes in numbers of 13080  
customers, sales, weather, peak demand, and other appropriate 13081  
factors so that the compliance measurement is not unduly 13082  
influenced by factors outside the control of the electric 13083  
distribution utility. 13084

(d) Programs implemented by a utility may include 13085  
demand-response programs, smart grid investment programs, provided 13086  
that such programs are demonstrated to be cost-beneficial, 13087  
customer-sited programs, including waste energy recovery and 13088  
combined heat and power systems, and transmission and distribution 13089  
infrastructure improvements that reduce line losses. Division 13090  
(A)(2)(c) of this section shall be applied to include facilitating 13091  
efforts by a mercantile customer or group of those customers to 13092  
offer customer-sited demand-response, energy efficiency, including 13093  
waste energy recovery and combined heat and power, or peak demand 13094  
reduction capabilities to the electric distribution utility as 13095  
part of a reasonable arrangement submitted to the commission 13096  
pursuant to section 4905.31 of the Revised Code. 13097

(e) No programs or improvements described in division 13098  
(A)(2)(d) of this section shall conflict with any statewide 13099  
building code adopted by the board of building standards. 13100

(B) In accordance with rules it shall adopt, the public 13101  
utilities commission shall produce and docket at the commission an 13102  
annual report containing the results of its verification of the 13103  
annual levels of energy efficiency and of peak demand reductions 13104  
achieved by each electric distribution utility pursuant to 13105  
division (A) of this section. A copy of the report shall be 13106  
provided to the consumers' counsel. 13107

(C) If the commission determines, after notice and 13108  
opportunity for hearing and based upon its report under division 13109  
(B) of this section, that an electric distribution utility has 13110

failed to comply with an energy efficiency or peak demand 13111  
reduction requirement of division (A) of this section, the 13112  
commission shall assess a forfeiture on the utility as provided 13113  
under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code, 13114  
either in the amount, per day per undercompliance or 13115  
noncompliance, relative to the period of the report, equal to that 13116  
prescribed for noncompliances under section 4905.54 of the Revised 13117  
Code, or in an amount equal to the then existing market value of 13118  
one renewable energy credit per megawatt hour of undercompliance 13119  
or noncompliance. Revenue from any forfeiture assessed under this 13120  
division shall be deposited to the credit of the advanced energy 13121  
fund created under section 4928.61 of the Revised Code. 13122

(D) The commission may establish rules regarding the content 13123  
of an application by an electric distribution utility for 13124  
commission approval of a revenue decoupling mechanism under this 13125  
division. Such an application shall not be considered an 13126  
application to increase rates and may be included as part of a 13127  
proposal to establish, continue, or expand energy efficiency or 13128  
conservation programs. The commission by order may approve an 13129  
application under this division if it determines both that the 13130  
revenue decoupling mechanism provides for the recovery of revenue 13131  
that otherwise may be forgone by the utility as a result of or in 13132  
connection with the implementation by the electric distribution 13133  
utility of any energy efficiency or energy conservation programs 13134  
and reasonably aligns the interests of the utility and of its 13135  
customers in favor of those programs. 13136

(E) The commission additionally shall adopt rules that 13137  
require an electric distribution utility to provide a customer 13138  
upon request with two years' consumption data in an accessible 13139  
form. 13140

**Sec. 5104.03.** (A) Any person, firm, organization, 13141



institution, or agency seeking to establish a child day-care 13142  
center, type A family day-care home, or licensed type B family 13143  
day-care home shall apply for a license to the director of job and 13144  
family services on such form as the director prescribes. The 13145  
director shall provide at no charge to each applicant for 13146  
licensure a copy of the child care license requirements in this 13147  
chapter and a copy of the rules adopted pursuant to this chapter. 13148  
The copies may be provided in paper or electronic form. 13149

Fees shall be set by the director pursuant to sections 13150  
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 13151  
paid at the time of application for a license to operate a center, 13152  
type A home, or type B home. Fees collected under this section 13153  
shall be paid into the state treasury to the credit of the general 13154  
revenue fund. 13155

(B)(1) Upon filing of the application for a license, the 13156  
director shall investigate and inspect the center, type A home, or 13157  
type B home to determine the license capacity for each age 13158  
category of children of the center, type A home, or type B home 13159  
and to determine whether the center, type A home, or type B home 13160  
complies with this chapter and rules adopted pursuant to this 13161  
chapter. When, after investigation and inspection, the director is 13162  
satisfied that this chapter and rules adopted pursuant to it are 13163  
complied with, subject to division (H) of this section, a license 13164  
shall be issued as soon as practicable in such form and manner as 13165  
prescribed by the director. The license shall be designated as 13166  
provisional and shall be valid for twelve months from the date of 13167  
issuance unless revoked. 13168

(2) The director may contract with a government entity or a 13169  
private nonprofit entity for the entity to inspect ~~and license~~ 13170  
type B family day-care homes pursuant to this section. If the 13171  
director contracts with a government entity or private nonprofit 13172  
entity for that purpose, the entity may contract with another 13173

government entity or private nonprofit entity for the other entity 13174  
to inspect type B homes pursuant to this section. The ~~department~~ 13175  
director, government entity, or private nonprofit entity shall 13176  
conduct ~~the~~ an inspection prior to the issuance of a license for 13177  
~~the~~ a type B home and, as part of that inspection, ensure that the 13178  
type B home is safe and sanitary. 13179

(C)(1) On receipt of an application for licensure as a type B 13180  
family day-care home to provide publicly funded child care, the 13181  
~~department~~ director shall search the uniform statewide automated 13182  
child welfare information system for information concerning any 13183  
abuse or neglect report made pursuant to section 2151.421 of the 13184  
Revised Code of which the applicant, any other adult residing in 13185  
the applicant's home, or a person designated by the applicant to 13186  
be an emergency or substitute caregiver for the applicant is the 13187  
subject. 13188

(2) The ~~department~~ director shall consider any information ~~it~~ 13189  
~~discovers~~ discovered pursuant to division (C)(1) of this section 13190  
or that is provided by a public children services agency pursuant 13191  
to section 5153.175 of the Revised Code. If the ~~department~~ 13192  
director determines that the information, when viewed within the 13193  
totality of the circumstances, reasonably leads to the conclusion 13194  
that the applicant may directly or indirectly endanger the health, 13195  
safety, or welfare of children, the ~~department~~ director shall deny 13196  
the application for licensure or revoke the license of a type B 13197  
family day-care home. 13198

(D) The director shall investigate and inspect the center, 13199  
type A home, or type B home at least once during operation under a 13200  
license designated as provisional. If after the investigation and 13201  
inspection the director determines that the requirements of this 13202  
chapter and rules adopted pursuant to this chapter are met, 13203  
subject to division (H) of this section, the director shall issue 13204  
a new license to the center or home. 13205

(E) Each license shall state the name of the licensee, the name of the administrator, the address of the center, type A home, or licensed type B home, and the license capacity for each age category of children. The license shall include thereon, in accordance with sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center, type A home, or licensed type B home has violated a provision of this chapter or rules adopted pursuant to this chapter. A license is valid only for the licensee, administrator, address, and license capacity for each age category of children designated on the license. The license capacity specified on the license is the maximum number of children in each age category that may be cared for in the center, type A home, or licensed type B home at one time.

The center or type A home licensee shall notify the director when the administrator of the center or home changes. The director shall amend the current license to reflect a change in an administrator, if the administrator meets the requirements of this chapter and rules adopted pursuant to this chapter, or a change in license capacity for any age category of children as determined by the director of job and family services.

(F) If the director revokes the license of a center, a type A home, or a type B home, the director shall not issue another license to the owner of the center, type A home, or type B home until five years have elapsed from the date the license is revoked.

If the director denies an application for a license, the director shall not accept another application from the applicant until five years have elapsed from the date the application is denied.

(G) If during the application for licensure process the director determines that the license of the owner has been

revoked, the investigation of the center, type A home, or type B home shall cease. This action does not constitute denial of the application and may not be appealed under division (H) of this section.

(H) All actions of the director with respect to licensing centers, type A homes, or type B homes, refusal to license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. Any applicant who is denied a license or any owner whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(I) In no case shall the director issue a license under this section for a center, type A home, or type B home if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant had been certified as a type B family day-care home when such certifications were issued by county departments prior to January 1, 2014, that the county department revoked that certification within the immediately preceding five years, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children.

(J)(1) Except as provided in division (J)(2) of this section, an administrator of a type B family day-care home that receives a license pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the department of job and family services.

(2) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of an administrator of a type B family day-care home that receives a license pursuant to this section shall be determined under Chapter 4141. of the Revised Code.

Sec. 5122.36. If the legal residence of a person suffering 13270  
from mental illness is in another county of the state, the 13271  
necessary expense of the person's return is a proper charge 13272  
against the county of legal residence. If an adjudication and 13273  
order of hospitalization by the probate court of the county of 13274  
temporary residence are required, the regular probate court fees 13275  
and expenses incident to the order of hospitalization under this 13276  
chapter and any other expense incurred on the person's behalf 13277  
shall be charged to and paid by the county of the person's legal 13278  
residence upon the approval and certification of the probate judge 13279  
of that county. The ordering court shall send to the probate court 13280  
of the person's county of legal residence a certified transcript 13281  
of all proceedings had in the ordering court. The receiving court 13282  
shall enter and record the transcript. The certified transcript is 13283  
prima facie evidence of the residence of the person. When the 13284  
residence of the person cannot be established as represented by 13285  
the ordering court, the matter of residence shall be referred to 13286  
the department of mental health and addiction services for 13287  
investigation and determination. 13288

**Sec. 5123.01.** As used in this chapter: 13289

(A) "Chief medical officer" means the licensed physician 13290  
appointed by the managing officer of an institution for the 13291  
mentally retarded with the approval of the director of 13292  
developmental disabilities to provide medical treatment for 13293  
residents of the institution. 13294

(B) "Chief program director" means a person with special 13295  
training and experience in the diagnosis and management of the 13296  
mentally retarded, certified according to division (C) of this 13297  
section in at least one of the designated fields, and appointed by 13298  
the managing officer of an institution for the mentally retarded 13299  
with the approval of the director to provide habilitation and care 13300

for residents of the institution. 13301

(C) "Comprehensive evaluation" means a study, including a 13302  
sequence of observations and examinations, of a person leading to 13303  
conclusions and recommendations formulated jointly, with 13304  
dissenting opinions if any, by a group of persons with special 13305  
training and experience in the diagnosis and management of persons 13306  
with mental retardation or a developmental disability, which group 13307  
shall include individuals who are professionally qualified in the 13308  
fields of medicine, psychology, and social work, together with 13309  
such other specialists as the individual case may require. 13310

(D) "Education" means the process of formal training and 13311  
instruction to facilitate the intellectual and emotional 13312  
development of residents. 13313

(E) "Habilitation" means the process by which the staff of 13314  
the institution assists the resident in acquiring and maintaining 13315  
those life skills that enable the resident to cope more 13316  
effectively with the demands of the resident's own person and of 13317  
the resident's environment and in raising the level of the 13318  
resident's physical, mental, social, and vocational efficiency. 13319  
Habilitation includes but is not limited to programs of formal, 13320  
structured education and training. 13321

(F) "Health officer" means any public health physician, 13322  
public health nurse, or other person authorized or designated by a 13323  
city or general health district. 13324

(G) "Home and community-based services" means medicaid-funded 13325  
home and community-based services specified in division (A)(1) of 13326  
section 5166.20 of the Revised Code provided under the medicaid 13327  
waiver components the department of developmental disabilities 13328  
administers pursuant to section 5166.21 of the Revised Code. 13329  
Except as provided in section 5123.0412 of the Revised Code, home 13330  
and community-based services provided under the medicaid waiver 13331

component known as the transitions developmental disabilities 13332  
waiver are to be considered to be home and community-based 13333  
services for the purposes of this chapter, and Chapters 5124. and 13334  
5126. of the Revised Code, only to the extent, if any, provided by 13335  
the contract required by section 5166.21 of the Revised Code 13336  
regarding the waiver. 13337

(H) "ICF/IID" has the same meaning as in section 5124.01 of 13338  
the Revised Code. 13339

(I) "Indigent person" means a person who is unable, without 13340  
substantial financial hardship, to provide for the payment of an 13341  
attorney and for other necessary expenses of legal representation, 13342  
including expert testimony. 13343

(J) "Institution" means a public or private facility, or a 13344  
part of a public or private facility, that is licensed by the 13345  
appropriate state department and is equipped to provide 13346  
residential habilitation, care, and treatment for the mentally 13347  
retarded. 13348

(K) "Licensed physician" means a person who holds a valid 13349  
certificate issued under Chapter 4731. of the Revised Code 13350  
authorizing the person to practice medicine and surgery or 13351  
osteopathic medicine and surgery, or a medical officer of the 13352  
government of the United States while in the performance of the 13353  
officer's official duties. 13354

(L) "Managing officer" means a person who is appointed by the 13355  
director of developmental disabilities to be in executive control 13356  
of an institution for the mentally retarded under the jurisdiction 13357  
of the department. 13358

(M) "Medicaid case management services" means case management 13359  
services provided to an individual with mental retardation or 13360  
other developmental disability that the state medicaid plan 13361  
requires. 13362

(N) "Mentally retarded person" means a person having 13363  
significantly subaverage general intellectual functioning existing 13364  
concurrently with deficiencies in adaptive behavior, manifested 13365  
during the developmental period. 13366

(O) "Mentally retarded person subject to institutionalization 13367  
by court order" means a person eighteen years of age or older who 13368  
is at least moderately mentally retarded and in relation to whom, 13369  
because of the person's retardation, either of the following 13370  
conditions exist: 13371

(1) The person represents a very substantial risk of physical 13372  
impairment or injury to self as manifested by evidence that the 13373  
person is unable to provide for and is not providing for the 13374  
person's most basic physical needs and that provision for those 13375  
needs is not available in the community; 13376

(2) The person needs and is susceptible to significant 13377  
habilitation in an institution. 13378

(P) "A person who is at least moderately mentally retarded" 13379  
means a person who is found, following a comprehensive evaluation, 13380  
to be impaired in adaptive behavior to a moderate degree and to be 13381  
functioning at the moderate level of intellectual functioning in 13382  
accordance with standard measurements as recorded in the most 13383  
current revision of the manual of terminology and classification 13384  
in mental retardation published by the American association on 13385  
mental retardation. 13386

(Q) As used in this division, ~~"substantial functional~~ 13387  
~~limitation," "developmental delay," and "established risk" have~~ 13388  
has the meanings meaning established pursuant to section 5123.011 13389  
of the Revised Code. 13390

"Developmental disability" means a severe, chronic disability 13391  
that is characterized by all of the following: 13392

(1) It is attributable to a mental or physical impairment or 13393



a combination of mental and physical impairments, other than a 13394  
mental or physical impairment solely caused by mental illness as 13395  
defined in division (A) of section 5122.01 of the Revised Code. 13396

(2) It is manifested before age twenty-two. 13397

(3) It is likely to continue indefinitely. 13398

(4) It results in one of the following: 13399

(a) In the case of a person under three years of age, at 13400  
least one developmental delay or ~~an established risk~~ a diagnosed 13401  
physical or mental condition that has a high probability of 13402  
resulting in a developmental delay; 13403

(b) In the case of a person at least three years of age but 13404  
under six years of age, at least two developmental delays ~~or an~~ 13405  
~~established risk;~~ 13406

(c) In the case of a person six years of age or older, a 13407  
substantial functional limitation in at least three of the 13408  
following areas of major life activity, as appropriate for the 13409  
person's age: self-care, receptive and expressive language, 13410  
learning, mobility, self-direction, capacity for independent 13411  
living, and, if the person is at least sixteen years of age, 13412  
capacity for economic self-sufficiency. 13413

(5) It causes the person to need a combination and sequence 13414  
of special, interdisciplinary, or other type of care, treatment, 13415  
or provision of services for an extended period of time that is 13416  
individually planned and coordinated for the person. 13417

(R) "Developmentally disabled person" means a person with a 13418  
developmental disability. 13419

(S) "State institution" means an institution that is 13420  
tax-supported and under the jurisdiction of the department. 13421

(T) "Residence" and "legal residence" have the same meaning 13422  
as "legal settlement," which is acquired by residing in Ohio for a 13423

period of one year without receiving general assistance prior to 13424  
July 17, 1995, under former Chapter 5113. of the Revised Code, 13425  
financial assistance under Chapter 5115. of the Revised Code, or 13426  
assistance from a private agency that maintains records of 13427  
assistance given. A person having a legal settlement in the state 13428  
shall be considered as having legal settlement in the assistance 13429  
area in which the person resides. No adult person coming into this 13430  
state and having a spouse or minor children residing in another 13431  
state shall obtain a legal settlement in this state as long as the 13432  
spouse or minor children are receiving public assistance, care, or 13433  
support at the expense of the other state or its subdivisions. For 13434  
the purpose of determining the legal settlement of a person who is 13435  
living in a public or private institution or in a home subject to 13436  
licensing by the department of job and family services, the 13437  
department of mental health and addiction services, or the 13438  
department of developmental disabilities, the residence of the 13439  
person shall be considered as though the person were residing in 13440  
the county in which the person was living prior to the person's 13441  
entrance into the institution or home. Settlement once acquired 13442  
shall continue until a person has been continuously absent from 13443  
Ohio for a period of one year or has acquired a legal residence in 13444  
another state. A woman who marries a man with legal settlement in 13445  
any county immediately acquires the settlement of her husband. The 13446  
legal settlement of a minor is that of the parents, surviving 13447  
parent, sole parent, parent who is designated the residential 13448  
parent and legal custodian by a court, other adult having 13449  
permanent custody awarded by a court, or guardian of the person of 13450  
the minor, provided that: 13451

(1) A minor female who marries shall be considered to have 13452  
the legal settlement of her husband and, in the case of death of 13453  
her husband or divorce, she shall not thereby lose her legal 13454  
settlement obtained by the marriage. 13455

(2) A minor male who marries, establishes a home, and who has resided in this state for one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, financial assistance under Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given shall be considered to have obtained a legal settlement in this state.

(3) The legal settlement of a child under eighteen years of age who is in the care or custody of a public or private child caring agency shall not change if the legal settlement of the parent changes until after the child has been in the home of the parent for a period of one year.

No person, adult or minor, may establish a legal settlement in this state for the purpose of gaining admission to any state institution.

(U)(1) "Resident" means, subject to division (U)(2) of this section, a person who is admitted either voluntarily or involuntarily to an institution or other facility pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter who is under observation or receiving habilitation and care in an institution.

(2) "Resident" does not include a person admitted to an institution or other facility under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to resident, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(V) "Respondent" means the person whose detention, commitment, or continued commitment is being sought in any proceeding under this chapter.

(W) "Working day" and "court day" mean Monday, Tuesday, 13487  
Wednesday, Thursday, and Friday, except when such day is a legal 13488  
holiday. 13489

(X) "Prosecutor" means the prosecuting attorney, village 13490  
solicitor, city director of law, or similar chief legal officer 13491  
who prosecuted a criminal case in which a person was found not 13492  
guilty by reason of insanity, who would have had the authority to 13493  
prosecute a criminal case against a person if the person had not 13494  
been found incompetent to stand trial, or who prosecuted a case in 13495  
which a person was found guilty. 13496

(Y) "Court" means the probate division of the court of common 13497  
pleas. 13498

(Z) "Supported living" and "residential services" have the 13499  
same meanings as in section 5126.01 of the Revised Code. 13500

**Sec. 5123.011.** The director of developmental disabilities 13501  
shall adopt rules in accordance with Chapter 119. of the Revised 13502  
Code ~~that establish definitions of "substantial functional~~ 13503  
~~limitation," to do both of the following:~~ 13504

(A) Define "developmental delay," ~~"established risk,"~~ 13505  
~~"biological risk," and "environmental risk."~~; 13506

(B) For the purpose of division (O)(4)(c) of section 5123.01 13507  
and division (F)(4)(c) of section 5126.01 of the Revised Code, 13508  
specify how to determine whether a person six years of age or 13509  
older has a substantial functional limitation in a major life 13510  
activity as appropriate for the person's age. 13511

**Sec. 5123.012.** (A) As used in this section: 13512

~~(1) "Biological risk" and "environmental risk" have the~~ 13513  
~~meanings established pursuant to section 5123.011 of the Revised~~ 13514  
~~Code.~~ 13515

~~(2) "Preschool, "preschool~~ child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(B) Except as provided in division (C) of this section, the department of developmental disabilities shall make eligibility determinations in accordance with the definition of "developmental disability" in section 5123.01 of the Revised Code. The department may adopt rules in accordance with Chapter 119. of the Revised Code establishing eligibility for programs and services for ~~either of the following:~~

~~(1) Individuals under age six who have a biological risk or environmental risk of a developmental delay;~~

~~(2) Any any~~ preschool child with a disability eligible for services under section 3323.02 of the Revised Code whose disability is not attributable solely to mental illness as defined in section 5122.01 of the Revised Code.

(C)(1) The department shall make determinations of eligibility for protective services in accordance with sections 5123.55 to 5123.59 of the Revised Code.

(2) Determinations of whether a mentally retarded person is subject to institutionalization by court order shall be made in accordance with sections 5123.71 to 5123.76 of the Revised Code and shall be based on the definition of "mentally retarded person subject to institutionalization by court order" in section 5123.01 of the Revised Code.

(3) All persons who were eligible for services and enrolled in programs offered by the department of developmental disabilities pursuant to this chapter on July 1, 1991, shall continue to be eligible for those services and to be enrolled in those programs as long as they are in need of services.

**Sec. 5123.0420.** As used in this section, "evidence-based

intervention" means a prevention or treatment service that has 13546  
been demonstrated through scientific evaluation to produce a 13547  
positive outcome. 13548

The department of developmental disabilities shall establish 13549  
a voluntary training and certification program for individuals who 13550  
provide evidence-based interventions to individuals with an autism 13551  
spectrum disorder. The department shall administer the program or 13552  
contract with a person or other government entity to administer 13553  
the program. The program shall not conflict with or duplicate any 13554  
other certification or licensure process administered by the 13555  
state. 13556

The director of developmental disabilities may adopt rules as 13557  
necessary to implement this section. If the director adopts rules, 13558  
the rules shall be adopted in accordance with Chapter 119. of the 13559  
Revised Code. 13560

**Sec. 5123.081.** (A) As used in this section: 13561

(1)(a) "Applicant" means any of the following: 13562

(i) A person who is under final consideration for appointment 13563  
to or ~~employment with~~ hiring by the department of developmental 13564  
disabilities or a county board of developmental disabilities; 13565

(ii) A person who is being transferred to the department or a 13566  
county board; 13567

(iii) An employee who is being recalled to or reemployed by 13568  
the department or a county board after a layoff; 13569

(iv) A person under final consideration for a direct services 13570  
position with a provider or subcontractor. 13571

(b) Neither of the following is an applicant: 13572

(i) A person who is employed by a responsible entity in a 13573  
position for which a criminal records check is required by this 13574

section and either is being considered for a different position 13575  
with the responsible entity or is returning after a leave of 13576  
absence or seasonal break in employment, unless the responsible 13577  
entity has reason to believe that the person has committed a 13578  
disqualifying offense; 13579

(ii) A person who is to provide only respite care under a 13580  
family support services program established under section 5126.11 13581  
of the Revised Code if a family member of the individual with 13582  
mental retardation or a developmental disability who is to receive 13583  
the respite care selects the person. 13584

(2) "Criminal records check" has the same meaning as in 13585  
section 109.572 of the Revised Code. 13586

(3) "Direct services position" means an employment position 13587  
in which the employee has the opportunity to be alone with or 13588  
exercises supervision or control over one or more individuals with 13589  
mental retardation or a developmental disability. 13590

(4) "Disqualifying offense" means any of the offenses listed 13591  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 13592  
the Revised Code. 13593

(5)(a) "Employee" means either of the following: 13594

(i) A person appointed to or employed by the department of 13595  
developmental disabilities or a county board of developmental 13596  
disabilities; 13597

(ii) A person employed in a direct services position by a 13598  
provider or subcontractor. 13599

(b) "Employee" does not mean a person who provides only 13600  
respite care under a family support services program established 13601  
under section 5126.11 of the Revised Code if a family member of 13602  
the individual with mental retardation or a developmental 13603  
disability who receives the respite care selected the person. 13604

(6) "Minor drug possession offense" has the same meaning as 13605  
in section 2925.01 of the Revised Code. 13606

(7) "Provider" means a person that provides specialized 13607  
services to individuals with mental retardation or a developmental 13608  
disability and employs one or more persons in direct services 13609  
positions. 13610

(8) "Responsible entity" means the following: 13611

(a) The department of developmental disabilities in the case 13612  
of either of the following: 13613

(i) A person who is an applicant because the department is 13614  
giving the person ~~is under~~ final consideration for appointment to 13615  
or ~~employment with~~ being hired by the department, the person is 13616  
being transferred to the department, or the person is being 13617  
recalled to or reemployed by the department after a layoff; 13618

(ii) A person who is an employee because the person is 13619  
appointed to or employed by the department. 13620

(b) A county board of developmental disabilities in the case 13621  
of either of the following: 13622

(i) A person who is an applicant because the county board is 13623  
giving the person ~~is under~~ final consideration for appointment to 13624  
or ~~employment with~~ being hired by the county board, the person is 13625  
being transferred to the county board, or the person is being 13626  
recalled to or reemployed by the county board after a layoff; 13627

(ii) A person who is an employee because the person is 13628  
appointed to or employed by the county board. 13629

(c) A provider in the case of either of the following: 13630

(i) A person who is an applicant because the provider is 13631  
giving the person ~~is under~~ final consideration for being hired 13632  
into a direct services position with the provider; 13633

(ii) A person who is an employee because the provider employs 13634



~~the person is employed~~ in a direct services position ~~by the~~ 13635  
~~provider.~~ 13636

(d) A subcontractor in the case of either of the following: 13637

(i) A person who is an applicant because the subcontractor is 13638  
giving the person is under final consideration for being hired 13639  
into a direct services position with the subcontractor; 13640

(ii) A person who is an employee because the subcontractor 13641  
employs the person is employed in a direct services position ~~by~~ 13642  
~~the subcontractor.~~ 13643

(9) "Specialized services" means any program or service 13644  
designed and operated to serve primarily individuals with mental 13645  
retardation or a developmental disability, including a program or 13646  
service provided by an entity licensed or certified by the 13647  
department of developmental disabilities. If there is a question 13648  
as to whether a provider or subcontractor is providing specialized 13649  
services, the provider or subcontractor may request that the 13650  
director of developmental disabilities make a determination. The 13651  
director's determination is final. 13652

(10) "Subcontractor" means a person to which both of the 13653  
following apply: 13654

(a) The person has either of the following: 13655

(i) A subcontract with a provider to provide specialized 13656  
services included in the contract between the provider and the 13657  
department of developmental disabilities or a county board of 13658  
developmental disabilities; 13659

(ii) A subcontract with another subcontractor to provide 13660  
specialized services included in a subcontract between the other 13661  
subcontractor and a provider or other subcontractor. 13662

(b) The person employs one or more persons in direct services 13663  
positions. 13664

(B) A responsible entity shall not ~~employ~~ hire an applicant 13665  
or ~~continue to employ~~ retain an employee if either of the 13666  
following applies: 13667

(1) The applicant or employee fails to comply with division 13668  
(D)(3) of this section. 13669

(2) Except as provided in rules adopted under this section, 13670  
the applicant or employee is found by a criminal records check 13671  
required by this section to have been convicted of, or pleaded 13672  
guilty to, ~~or been found eligible for intervention in lieu of~~ 13673  
~~conviction for~~ a disqualifying offense. 13674

(C) Before ~~employing~~ hiring an applicant ~~in~~ into a position 13675  
for which a criminal records check is required by this section, a 13676  
responsible entity shall require the applicant to submit a 13677  
statement with the applicant's signature attesting that the 13678  
applicant has not been convicted of, or pleaded guilty to, ~~or been~~ 13679  
~~found eligible for intervention in lieu of conviction for~~ a 13680  
disqualifying offense. The responsible entity also shall require 13681  
the applicant to sign an agreement under which the applicant 13682  
agrees to notify the responsible entity within fourteen calendar 13683  
days if, after being hired and while employed by the responsible 13684  
entity, the applicant is formally charged with, is convicted of, 13685  
or pleads guilty to, ~~or is found eligible for intervention in lieu~~ 13686  
~~of conviction for~~ a disqualifying offense. The agreement shall 13687  
provide that the applicant's failure to provide the notification 13688  
may result in termination of the applicant's employment. 13689

(D)(1) As a condition ~~of employing~~ for hiring any applicant 13690  
~~in~~ into a position for which a criminal records check is required 13691  
by this section, a responsible entity shall request the 13692  
superintendent of the bureau of criminal identification and 13693  
investigation to conduct a criminal records check of the 13694  
applicant. If rules adopted under this section require an employee 13695  
to undergo a criminal records check, a responsible entity shall 13696

request the superintendent to conduct a criminal records check of 13697  
the employee at times specified in the rules as a condition of the 13698  
responsible entity's ~~continuing to employ~~ retaining the employee 13699  
in a position for which a criminal records check is required by 13700  
this section. If an applicant or employee does not present proof 13701  
that the applicant or employee has been a resident of this state 13702  
for the five-year period immediately prior to the date upon which 13703  
the criminal records check is requested, the responsible entity 13704  
shall request that the superintendent obtain information from the 13705  
federal bureau of investigation as a part of the criminal records 13706  
check. If the applicant or employee presents proof that the 13707  
applicant or employee has been a resident of this state for that 13708  
five-year period, the responsible entity may request that the 13709  
superintendent include information from the federal bureau of 13710  
investigation in the criminal records check. For purposes of this 13711  
division, an applicant or employee may provide proof of residency 13712  
in this state by presenting, with a notarized statement asserting 13713  
that the applicant or employee has been a resident of this state 13714  
for that five-year period, a valid driver's license, notification 13715  
of registration as an elector, a copy of an officially filed 13716  
federal or state tax form identifying the applicant's or 13717  
employee's permanent residence, or any other document the 13718  
responsible entity considers acceptable. 13719

(2) A responsible entity shall do all of the following: 13720

(a) Provide to each applicant and employee for whom a 13721  
criminal records check is required by this section a copy of the 13722  
form prescribed pursuant to division (C)(1) of section 109.572 of 13723  
the Revised Code and a standard impression sheet to obtain 13724  
fingerprint impressions prescribed pursuant to division (C)(2) of 13725  
section 109.572 of the Revised Code; 13726

(b) Obtain the completed form and standard impression sheet 13727  
from the applicant or employee; 13728

(c) Forward the completed form and standard impression sheet 13729  
to the superintendent at the time the criminal records check is 13730  
requested. 13731

(3) Any applicant or employee who receives pursuant to this 13732  
division a copy of the form prescribed pursuant to division (C)(1) 13733  
of section 109.572 of the Revised Code and a copy of the standard 13734  
impression sheet prescribed pursuant to division (C)(2) of that 13735  
section and who is requested to complete the form and provide a 13736  
set of the applicant's or employee's fingerprint impressions shall 13737  
complete the form or provide all the information necessary to 13738  
complete the form and shall provide the standard impression sheet 13739  
with the impressions of the applicant's or employee's 13740  
fingerprints. 13741

(4) A responsible entity shall pay to the bureau of criminal 13742  
identification and investigation the fee prescribed pursuant to 13743  
division (C)(3) of section 109.572 of the Revised Code for each 13744  
criminal records check requested and conducted pursuant to this 13745  
section. 13746

(E) A responsible entity may request any other state or 13747  
federal agency to supply the responsible entity with a written 13748  
report regarding the criminal record of an applicant or employee. 13749  
If an employee holds an occupational or professional license or 13750  
other credentials, the responsible entity may request that the 13751  
state or federal agency that regulates the employee's occupation 13752  
or profession supply the responsible entity with a written report 13753  
of any information pertaining to the employee's criminal record 13754  
that the agency obtains in the course of conducting an 13755  
investigation or in the process of renewing the employee's license 13756  
or other credentials. The responsible entity may consider the 13757  
reports when determining whether to employ the applicant or to 13758  
continue to employ the employee. 13759

(F) As a condition of ~~employing~~ hiring an applicant ~~in~~ into a 13760

position for which a criminal records check is required by this 13761  
section and that involves transporting individuals with mental 13762  
retardation or developmental disabilities or operating a 13763  
responsible entity's vehicles for any purpose, the responsible 13764  
entity shall obtain the applicant's driving record from the bureau 13765  
of motor vehicles. If rules adopted under this section require a 13766  
responsible entity to obtain an employee's driving record, the 13767  
responsible entity shall obtain the employee's driving record from 13768  
the bureau at times specified in the rules as a condition of 13769  
continuing to employ the employee. The responsible entity may 13770  
consider the applicant's or employee's driving record when 13771  
determining whether to employ the applicant or to continue to 13772  
employ the employee. 13773

(G) A responsible entity may ~~employ an applicant~~ 13774  
conditionally hire an applicant pending receipt of a report 13775  
regarding the applicant requested under this section. The 13776  
responsible entity shall ~~terminate the applicant's employment~~ 13777  
remove the conditionally hired applicant from any job duties that 13778  
require a report under this section if it is determined from a 13779  
report that the applicant failed to inform the responsible entity 13780  
that the applicant had been convicted of, or pleaded guilty to, ~~or~~ 13781  
~~been found eligible for intervention in lieu of conviction for a~~ 13782  
disqualifying offense. 13783

(H) A responsible entity may charge an applicant a fee for 13784  
costs the responsible entity incurs in obtaining a report 13785  
regarding the applicant under this section if the responsible 13786  
entity notifies the applicant of the amount of the fee at the time 13787  
of the applicant's initial application for ~~employment~~ hiring into 13788  
the position in question and that, unless the fee is paid, the 13789  
responsible entity will not consider the applicant for ~~employment~~ 13790  
the hiring. The fee shall not exceed the amount of the fee, if 13791  
any, the responsible entity pays for the report. 13792

(I)(1) Any report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following:

(a) The applicant or employee who is the subject of the report or the applicant's or employee's representative;

(b) The responsible entity that requested the report or its representative;

(c) The department if a county board, provider, or subcontractor is the responsible entity that requested the report and the department requests the responsible entity to provide a copy of the report to the department;

(d) A county board if a provider or subcontractor is the responsible entity that requested the report and the county board requests the responsible entity to provide a copy of the report to the county board;

(e) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of ~~employment to~~ hiring of the applicant or of retention of the employee;

(ii) The denial, suspension, or revocation of a certificate under section 5123.166 or 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program or a program the department administers.

(2) An applicant or employee for whom the responsible entity has obtained reports under this section may submit a written request to the responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On

receiving the request, the responsible entity shall send copies of 13823  
the reports to the agencies or entities specified. 13824

(3) A responsible entity may request that a state agency, 13825  
entity of local government, or private entity send copies to the 13826  
responsible entity of any report regarding a records check or 13827  
criminal records check that the agency or entity possesses, if the 13828  
responsible entity obtains the written consent of the individual 13829  
who is the subject of the report. 13830

(4) A responsible entity shall provide each applicant and 13831  
employee with a copy of any report obtained about the applicant or 13832  
employee under this section. 13833

(J) The director of developmental disabilities shall adopt 13834  
rules in accordance with Chapter 119. of the Revised Code to 13835  
implement this section. 13836

(1) The rules may do the following: 13837

(a) Require employees to undergo criminal records checks 13838  
under this section; 13839

(b) Require responsible entities to obtain the driving 13840  
records of employees under this section; 13841

(c) If the rules require employees to undergo criminal 13842  
records checks, require responsible entities to obtain the driving 13843  
records of employees, or both, exempt one or more classes of 13844  
employees from the requirements. 13845

(2) The rules shall do both of the following: 13846

(a) If the rules require employees to undergo criminal 13847  
records checks, require responsible entities to obtain the driving 13848  
records of employees, or both, specify the times at which the 13849  
criminal records checks are to be conducted and the driving 13850  
records are to be obtained; 13851

(b) Specify circumstances under which a responsible entity 13852

may ~~employ~~ hire an applicant or retain an employee who is found by 13853  
a criminal records check required by this section to have been 13854  
convicted of, or pleaded guilty to, ~~or been found eligible for~~ 13855  
~~intervention in lieu of conviction for~~ a disqualifying offense but 13856  
meets standards in regard to rehabilitation set by the director. 13857

**Sec. 5123.16.** (A) As used in sections 5123.16 to 5123.1610 of 13858  
the Revised Code: 13859

(1) "Applicant" means any of the following: 13860

(a) The chief executive officer of a business that applies 13861  
under section 5123.161 of the Revised Code for a certificate to 13862  
provide supported living; 13863

(b) The chief executive officer of a business that seeks 13864  
renewal of the business's supported living certificate under 13865  
section 5123.164 of the Revised Code; 13866

(c) An individual who applies under section 5123.161 of the 13867  
Revised Code for a certificate to provide supported living as an 13868  
independent provider; 13869

(d) An independent provider who seeks renewal of the 13870  
independent provider's supported living certificate under section 13871  
5123.164 of the Revised Code. 13872

~~(2)(a)~~ "Business" means ~~either of the following:~~ 13873

~~(i)~~ An ~~an~~ association, corporation, nonprofit organization, 13874  
partnership, trust, or other group of persons; 13875

~~(ii)~~ ~~An individual who employs, directly or through contract,~~ 13876  
~~one or more other individuals to provide supported living.~~ 13877

~~(b)~~. "Business" does not mean an independent provider. 13878

(3) "Criminal records check" has the same meaning as in 13879  
section 109.572 of the Revised Code. 13880

(4) "Disqualifying offense" means any of the offenses listed 13881



or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 13882  
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(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another ~~individual~~ person to provide the supported living. 13884  
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(6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. For the purpose of division (A)(8) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living. 13888  
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(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 13893  
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(8) "Related party" means any of the following: 13895

(a) In the case of a provider who is an individual, any of the following: 13896  
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(i) The spouse of the provider; 13898

(ii) A parent or stepparent of the provider or provider's spouse; 13899  
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(iii) A child of the provider or provider's spouse; 13901

(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse; 13902  
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(v) A grandparent of the provider or provider's spouse; 13904

(vi) A grandchild of the provider or provider's spouse; 13905

~~(vii) An employee or employer of the provider or provider's spouse.~~ 13906  
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(b) In the case of a provider that is a person other than an individual, any of the following: 13908  
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(i) ~~An employee of the person~~ Any person or government entity 13910

that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider; 13911  
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(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer; 13918  
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(iii) A member of the provider's board of directors or trustees; 13921  
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(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest; 13923  
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~~(v) A corporation that has a subsidiary relationship with the provider;~~ 13926  
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~~(vi) A person or government entity that has control over the provider's day to day operation;~~ 13928  
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~~(vii) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A)(8)(b)(i) to (iv) of this section;~~ 13930  
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(vi) A person over which the provider has control of the day-to-day operation; 13934  
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(vii) A corporation that has a subsidiary relationship with the provider. 13936  
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(c) In the case of a provider that is a government entity, any of the following: 13938  
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(i) ~~An employee of the provider~~ Any person or government 13940

entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement; 13941  
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(ii) An officer of the provider; 13946

(iii) A member of the provider's governing board; 13947

~~(iv) A government entity that has control over the provider's day to day operation;~~ 13948  
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~~(v) A person or government entity over which the provider has control of the day-to-day operation.~~ 13950  
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(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities. 13952  
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(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.1610 of the Revised Code. 13955  
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**Sec. 5123.162.** (A) The director of developmental disabilities may conduct surveys of persons and government entities that seek a supported living certificate to determine whether the persons and government entities meet the certification standards. The director may also conduct surveys of providers to determine whether the providers continue to meet the certification standards. The director shall conduct the surveys in accordance with rules adopted under section 5123.1610 of the Revised Code. 13958  
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(B) Following each survey of a provider, the director shall issue a report listing the date of the survey and any citations issued as a result of the survey. Except when the director initiates a proceeding to revoke a provider's certification, the director shall do all of the following: 13966  
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(1) Specify a date by which the provider may appeal any of the citations; 13971  
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(2) Specify a timetable within which the provider must submit a plan of correction describing how the problems specified in the citations will be corrected; 13973  
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(3) When appropriate, specify a timetable within which the provider must correct the problems specified in the citations. 13976  
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(C) If the director initiates a proceeding to revoke a provider's certification, the director shall include the report required by division (B) of this section with the notice of the proposed revocation the director sends the provider. In this circumstance, the provider may not appeal the citations or submit a plan of correction. 13978  
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(D) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity that requests it and made available on the internet web site maintained by the department of developmental disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the provider's certification, a copy of the survey report shall be provided to any person or government entity that requests it and made available on the internet web site maintained by the department. 13984  
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The (E) In addition to survey reports described in this section, all other records of associated with surveys conducted under this section are public records for the purpose of section 149.43 of the Revised Code and shall be made available on the request of any person or government entity. 13995  
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**Sec. 5123.169.** (A) The director of developmental disabilities 14000

shall not issue a supported living certificate to an applicant or 14001  
renew an applicant's supported living certificate if either of the 14002  
following applies: 14003

(1) The applicant fails to comply with division (C)(2) of 14004  
this section; 14005

(2) Except as provided in rules adopted under section 14006  
5123.1610 of the Revised Code, the applicant is found by a 14007  
criminal records check required by this section to have been 14008  
convicted of, or pleaded guilty to, ~~or been found eligible for~~ 14009  
~~intervention in lieu of conviction for~~ a disqualifying offense. 14010

(B) Before issuing a supported living certificate to an 14011  
applicant or renewing an applicant's supported living certificate, 14012  
the director shall require the applicant to submit a statement 14013  
with the applicant's signature attesting that the applicant has 14014  
not been convicted of, or pleaded guilty to, ~~or been found~~ 14015  
~~eligible for intervention in lieu of conviction for~~ a 14016  
disqualifying offense. The director also shall require the 14017  
applicant to sign an agreement under which the applicant agrees to 14018  
notify the director within fourteen calendar days if, while 14019  
holding a supported living certificate, the applicant is formally 14020  
charged with, is convicted of, or pleads guilty to, ~~or is found~~ 14021  
~~eligible for intervention in lieu of conviction for~~ a 14022  
disqualifying offense. The agreement shall provide that the 14023  
applicant's failure to provide the notification may result in 14024  
action being taken by the director against the applicant under 14025  
section 5123.166 of the Revised Code. 14026

(C)(1) As a condition of receiving a supported living 14027  
certificate or having a supported living certificate renewed, an 14028  
applicant shall request the superintendent of the bureau of 14029  
criminal identification and investigation to conduct a criminal 14030  
records check of the applicant. If an applicant does not present 14031

proof to the director that the applicant has been a resident of 14032  
this state for the five-year period immediately prior to the date 14033  
that the applicant applies for issuance or renewal of the 14034  
supported living certificate, the director shall require the 14035  
applicant to request that the superintendent obtain information 14036  
from the federal bureau of investigation as a part of the criminal 14037  
records check. If the applicant presents proof to the director 14038  
that the applicant has been a resident of this state for that 14039  
five-year period, the director may require the applicant to 14040  
request that the superintendent include information from the 14041  
federal bureau of investigation in the criminal records check. For 14042  
purposes of this division, an applicant may provide proof of 14043  
residency in this state by presenting, with a notarized statement 14044  
asserting that the applicant has been a resident of this state for 14045  
that five-year period, a valid driver's license, notification of 14046  
registration as an elector, a copy of an officially filed federal 14047  
or state tax form identifying the applicant's permanent residence, 14048  
or any other document the director considers acceptable. 14049

(2) Each applicant shall do all of the following: 14050

(a) Obtain a copy of the form prescribed pursuant to division 14051  
(C)(1) of section 109.572 of the Revised Code and a standard 14052  
impression sheet prescribed pursuant to division (C)(2) of section 14053  
109.572 of the Revised Code; 14054

(b) Complete the form and provide the applicant's fingerprint 14055  
impressions on the standard impression sheet; 14056

(c) Forward the completed form and standard impression sheet 14057  
to the superintendent at the time the criminal records check is 14058  
requested; 14059

(d) Instruct the superintendent to submit the completed 14060  
report of the criminal records check directly to the director; 14061

(e) Pay to the bureau of criminal identification and 14062

investigation the fee prescribed pursuant to division (C)(3) of 14063  
section 109.572 of the Revised Code for each criminal records 14064  
check of the applicant requested and conducted pursuant to this 14065  
section. 14066

(D) The director may request any other state or federal 14067  
agency to supply the director with a written report regarding the 14068  
criminal record of an applicant. The director may consider the 14069  
reports when determining whether to issue a supported living 14070  
certificate to the applicant or to renew an applicant's supported 14071  
living certificate. 14072

(E) An applicant who seeks to be an independent provider or 14073  
is an independent provider seeking renewal of the applicant's 14074  
supported living certificate shall obtain the applicant's driving 14075  
record from the bureau of motor vehicles and provide a copy of the 14076  
record to the director if the supported living that the applicant 14077  
will provide involves transporting individuals with mental 14078  
retardation or developmental disabilities. The director may 14079  
consider the applicant's driving record when determining whether 14080  
to issue the applicant a supported living certificate or to renew 14081  
the applicant's supported living certificate. 14082

(F)(1) A report obtained pursuant to this section is not a 14083  
public record for purposes of section 149.43 of the Revised Code 14084  
and shall not be made available to any person, other than the 14085  
following: 14086

(a) The applicant who is the subject of the report or the 14087  
applicant's representative; 14088

(b) The director or the director's representative; 14089

(c) Any court, hearing officer, or other necessary individual 14090  
involved in a case dealing with any of the following: 14091

(i) The denial of a supported living certificate or refusal 14092  
to renew a supported living certificate; 14093

(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code;	14094 14095
(iii) A civil or criminal action regarding the medicaid program.	14096 14097
(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified.	14098 14099 14100 14101 14102 14103 14104
(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.	14105 14106 14107 14108 14109
(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section.	14110 14111
<b>Sec. 5123.19.</b> (A) As used in sections 5123.19 to 5123.20 of the Revised Code:	14112 14113
(1) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.	14114 14115 14116 14117 14118 14119 14120 14121
(2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to	14122 14123



which the license was issued under this section. 14124

(3) "Political subdivision" means a municipal corporation, 14125  
county, or township. 14126

(4) "Related party" has the same meaning as in section 14127  
5123.16 of the Revised Code except that "provider" as used in the 14128  
definition of "related party" means a person or government entity 14129  
that held or applied for a license to operate a residential 14130  
facility, rather than a person or government entity certified to 14131  
provide supported living. 14132

(5)(a) Except as provided in division (A)(5)(b) of this 14133  
section, "residential facility" means a home or facility, 14134  
including an ICF/IID, in which an individual with mental 14135  
retardation or a developmental disability resides. 14136

(b) "Residential facility" does not mean any of the 14137  
following: 14138

(i) The home of a relative or legal guardian in which an 14139  
individual with mental retardation or a developmental disability 14140  
resides; 14141

(ii) A respite care home certified under section 5126.05 of 14142  
the Revised Code; 14143

(iii) A county home or district home operated pursuant to 14144  
Chapter 5155. of the Revised Code; 14145

(iv) A dwelling in which the only residents with mental 14146  
retardation or developmental disabilities are in independent 14147  
living arrangements or are being provided supported living. 14148

(B) Every person or government agency desiring to operate a 14149  
residential facility shall apply for licensure of the facility to 14150  
the director of developmental disabilities unless the residential 14151  
facility is subject to section 3721.02, 5103.03, 5119.33, or 14152  
division (A)(9)(b) of section 5119.34 of the Revised Code. 14153

(C) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered.

(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (K)

of this section is not given. 14186

(3) The director may issue an order for the suspension of 14187  
admissions to a facility for any violation that may result in 14188  
sanctions under division (D)(1) of this section and for any other 14189  
violation specified in rules adopted under division (H)(2) of this 14190  
section. If the suspension of admissions is imposed for a 14191  
violation that may result in sanctions under division (D)(1) of 14192  
this section, the director may impose the suspension before 14193  
providing an opportunity for an adjudication under Chapter 119. of 14194  
the Revised Code. The director shall lift an order for the 14195  
suspension of admissions when the director determines that the 14196  
violation that formed the basis for the order has been corrected. 14197

(4) The director may order the placement of a monitor at a 14198  
residential facility for any violation specified in rules adopted 14199  
under division (H)(2) of this section. The director shall lift the 14200  
order when the director determines that the violation that formed 14201  
the basis for the order has been corrected. 14202

(5) If the director determines that two or more residential 14203  
facilities owned or operated by the same person or government 14204  
entity are not being operated in compliance with a provision of 14205  
this chapter that applies to residential facilities or the rules 14206  
adopted under such a provision, and the director's findings are 14207  
based on the same or a substantially similar action, practice, 14208  
circumstance, or incident that creates a substantial risk to the 14209  
health and safety of the residents, the director shall conduct a 14210  
survey as soon as practicable at each residential facility owned 14211  
or operated by that person or government entity. The director may 14212  
take any action authorized by this section with respect to any 14213  
facility found to be operating in violation of a provision of this 14214  
chapter that applies to residential facilities or the rules 14215  
adopted under such a provision. 14216

(6) When the director initiates license revocation 14217

proceedings, no opportunity for submitting a plan of correction 14218  
shall be given. The director shall notify the licensee by letter 14219  
of the initiation of the proceedings. The letter shall list the 14220  
deficiencies of the residential facility and inform the licensee 14221  
that no plan of correction will be accepted. The director shall 14222  
also send a copy of the letter to the county board of 14223  
developmental disabilities. The county board shall send a copy of 14224  
the letter to each of the following: 14225

(a) Each resident who receives services from the licensee; 14226

(b) The guardian of each resident who receives services from 14227  
the licensee if the resident has a guardian; 14228

(c) The parent or guardian of each resident who receives 14229  
services from the licensee if the resident is a minor. 14230

(7) Pursuant to rules which shall be adopted in accordance 14231  
with Chapter 119. of the Revised Code, the director may order the 14232  
immediate removal of residents from a residential facility 14233  
whenever conditions at the facility present an immediate danger of 14234  
physical or psychological harm to the residents. 14235

(8) In determining whether a residential facility is being 14236  
operated in compliance with a provision of this chapter that 14237  
applies to residential facilities or the rules adopted under such 14238  
a provision, or whether conditions at a residential facility 14239  
present an immediate danger of physical or psychological harm to 14240  
the residents, the director may rely on information obtained by a 14241  
county board of developmental disabilities or other governmental 14242  
agencies. 14243

(9) In proceedings initiated to deny, refuse to renew, or 14244  
revoke licenses, the director may deny, refuse to renew, or revoke 14245  
a license regardless of whether some or all of the deficiencies 14246  
that prompted the proceedings have been corrected at the time of 14247  
the hearing. 14248

(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen-month period immediately preceding the director's latest action against the facility and the latest action is being taken for the same or a substantially similar violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision. The rules shall specify a method for removing or amending the public notification if the director's action is found to have been unjustified or the violation at the residential facility has been corrected.

(F)(1) Except as provided in division (F)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not

later than thirty days after the department receives the request. 14281

(c) After commencing, the hearing shall continue 14282  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 14283  
unless other interruptions are agreed to by the licensee and the 14284  
director. 14285

(d) If the hearing is conducted by a hearing examiner, the 14286  
hearing examiner shall file a report and recommendations not later 14287  
than ten days after the last of the following: 14288

(i) The close of the hearing; 14289

(ii) If a transcript of the proceedings is ordered, the 14290  
hearing examiner receives the transcript; 14291

(iii) If post-hearing briefs are timely filed, the hearing 14292  
examiner receives the briefs. 14293

(e) A copy of the written report and recommendation of the 14294  
hearing examiner shall be sent, by certified mail, to the licensee 14295  
and the licensee's attorney, if applicable, not later than five 14296  
days after the report is filed. 14297

(f) Not later than five days after the hearing examiner files 14298  
the report and recommendations, the licensee may file objections 14299  
to the report and recommendations. 14300

(g) Not later than fifteen days after the hearing examiner 14301  
files the report and recommendations, the director shall issue an 14302  
order approving, modifying, or disapproving the report and 14303  
recommendations. 14304

(h) Notwithstanding the pendency of the hearing, the director 14305  
shall lift the order for the suspension of admissions when the 14306  
director determines that the violation that formed the basis for 14307  
the order has been corrected. 14308

(G) Neither a person or government agency whose application 14309  
for a license to operate a residential facility is denied nor a 14310

related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Requirements for the training of residential facility personnel;

(6) Classifications for the various types of residential facilities;

(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure

that they have the skills and qualifications to properly operate 14341  
or manage residential facilities; 14342

(8) The maximum number of persons who may be served in a 14343  
particular type of residential facility; 14344

(9) Uniform procedures for admission of persons to and 14345  
transfers and discharges of persons from residential facilities; 14346

(10) Other standards for the operation of residential 14347  
facilities and the services provided at residential facilities; 14348

(11) Procedures for waiving any provision of any rule adopted 14349  
under this section. 14350

(I)(1) Before issuing a license, the director ~~of the~~ 14351  
~~department or the director's designee~~ shall conduct a survey of 14352  
the residential facility for which application is made. The 14353  
director ~~or the director's designee~~ shall conduct a survey of each 14354  
licensed residential facility at least once during the period the 14355  
license is valid and may conduct additional inspections as needed. 14356  
A survey includes but is not limited to an on-site examination and 14357  
evaluation of the residential facility, its personnel, and the 14358  
services provided there. 14359

(2) In conducting surveys, the director ~~or the director's~~ 14360  
~~designee~~ shall be given access to the residential facility; all 14361  
records, accounts, and any other documents related to the 14362  
operation of the facility; the licensee; the residents of the 14363  
facility; and all persons acting on behalf of, under the control 14364  
of, or in connection with the licensee. The licensee and all 14365  
persons on behalf of, under the control of, or in connection with 14366  
the licensee shall cooperate with the director ~~or the director's~~ 14367  
~~designee~~ in conducting the survey. 14368

(3) Following each survey, ~~unless the director initiates a~~ 14369  
~~license revocation proceeding,~~ the director ~~or the director's~~ 14370  
~~designee~~ shall provide the licensee with a report listing the date 14371



of the survey and any deficiencies, specifying citations issued as 14372  
a result of the survey. Except when the director initiates a 14373  
proceeding to revoke a license, the director shall do all of the 14374  
following: 14375

(a) Specify a date by which the licensee may appeal any of 14376  
the citations; 14377

(b) Specify a timetable within which the licensee shall must 14378  
submit a plan of correction describing how the deficiencies 14379  
problems specified in the citations will be corrected, and, when; 14380

(c) When appropriate, specifying specify a timetable within 14381  
which the licensee must correct the deficiencies problems 14382  
specified in the citations. After 14383

(4) If the director initiates a proceeding to revoke a 14384  
license, the director shall include the report required by 14385  
division (I)(3) of this section with the notice of the proposed 14386  
revocation the director sends the licensee. In this circumstance, 14387  
the licensee may not appeal the citations or submit a plan of 14388  
correction. 14389

(5) After a plan of correction is submitted, the director or 14390  
the director's designee shall approve or disapprove the plan. A If 14391  
the plan of correction is approved, a copy of the report and any 14392  
approved plan of correction shall be provided, not later than five 14393  
business days after it is approved, to any person or government 14394  
entity who requests it and made available on the internet web site 14395  
maintained by the department of developmental disabilities. If the 14396  
plan of correction is not approved and the director initiates a 14397  
proceeding to revoke the license, a copy of the survey report 14398  
shall be provided to any person or government entity that requests 14399  
it and made available on the internet web site maintained by the 14400  
department. 14401

(6) The director shall initiate disciplinary action against 14402

any department employee who notifies or causes the notification to 14403  
any unauthorized person of an unannounced survey of a residential 14404  
facility by an authorized representative of the department. 14405

(J) In addition to any other information which may be 14406  
required of applicants for a license pursuant to this section, the 14407  
director shall require each applicant to provide a copy of an 14408  
approved plan for a proposed residential facility pursuant to 14409  
section 5123.042 of the Revised Code. This division does not apply 14410  
to renewal of a license or to an applicant for an initial or 14411  
modified license who meets the requirements of section 5123.197 of 14412  
the Revised Code. 14413

(K) A licensee shall notify the owner of the building in 14414  
which the licensee's residential facility is located of any 14415  
significant change in the identity of the licensee or management 14416  
contractor before the effective date of the change if the licensee 14417  
is not the owner of the building. 14418

Pursuant to rules which shall be adopted in accordance with 14419  
Chapter 119. of the Revised Code, the director may require 14420  
notification to the department of any significant change in the 14421  
ownership of a residential facility or in the identity of the 14422  
licensee or management contractor. If the director determines that 14423  
a significant change of ownership is proposed, the director shall 14424  
consider the proposed change to be an application for development 14425  
by a new operator pursuant to section 5123.042 of the Revised Code 14426  
and shall advise the applicant within sixty days of the 14427  
notification that the current license shall continue in effect or 14428  
a new license will be required pursuant to this section. If the 14429  
director requires a new license, the director shall permit the 14430  
facility to continue to operate under the current license until 14431  
the new license is issued, unless the current license is revoked, 14432  
refused to be renewed, or terminated in accordance with Chapter 14433  
119. of the Revised Code. 14434

(L) A county board of developmental disabilities and any interested person may file complaints alleging violations of statute or department rule relating to residential facilities with the department. All complaints shall be in writing and shall state the facts constituting the basis of the allegation. The department shall not reveal the source of any complaint unless the complainant agrees in writing to waive the right to confidentiality or until so ordered by a court of competent jurisdiction.

The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for the receipt, referral, investigation, and disposition of complaints filed with the department under this division.

(M) The department shall establish procedures for the notification of interested parties of the transfer or interim care of residents from residential facilities that are closing or are losing their license.

(N) Before issuing a license under this section to a residential facility that will accommodate at any time more than one mentally retarded or developmentally disabled individual, the director shall, by first class mail, notify the following:

(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation;

(2) If the facility will be located in unincorporated territory, the clerk of the appropriate board of county commissioners and the fiscal officer of the appropriate board of township trustees.

The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in

which to comment on the proposed issuance. 14466

Any legislative authority of a municipal corporation, board 14467  
of county commissioners, or board of township trustees that 14468  
receives notice under this division of the proposed issuance of a 14469  
license for a residential facility may comment on it in writing to 14470  
the director within ten days after the director mailed the notice, 14471  
excluding Saturdays, Sundays, and legal holidays. If the director 14472  
receives written comments from any notified officials within the 14473  
specified time, the director shall make written findings 14474  
concerning the comments and the director's decision on the 14475  
issuance of the license. If the director does not receive written 14476  
comments from any notified local officials within the specified 14477  
time, the director shall continue the process for issuance of the 14478  
license. 14479

(O) Any person may operate a licensed residential facility 14480  
that provides room and board, personal care, habilitation 14481  
services, and supervision in a family setting for at least six but 14482  
not more than eight persons with mental retardation or a 14483  
developmental disability as a permitted use in any residential 14484  
district or zone, including any single-family residential district 14485  
or zone, of any political subdivision. These residential 14486  
facilities may be required to comply with area, height, yard, and 14487  
architectural compatibility requirements that are uniformly 14488  
imposed upon all single-family residences within the district or 14489  
zone. 14490

(P) Any person may operate a licensed residential facility 14491  
that provides room and board, personal care, habilitation 14492  
services, and supervision in a family setting for at least nine 14493  
but not more than sixteen persons with mental retardation or a 14494  
developmental disability as a permitted use in any multiple-family 14495  
residential district or zone of any political subdivision, except 14496  
that a political subdivision that has enacted a zoning ordinance 14497

or resolution establishing planned unit development districts may 14498  
exclude these residential facilities from those districts, and a 14499  
political subdivision that has enacted a zoning ordinance or 14500  
resolution may regulate these residential facilities in 14501  
multiple-family residential districts or zones as a conditionally 14502  
permitted use or special exception, in either case, under 14503  
reasonable and specific standards and conditions set out in the 14504  
zoning ordinance or resolution to: 14505

(1) Require the architectural design and site layout of the 14506  
residential facility and the location, nature, and height of any 14507  
walls, screens, and fences to be compatible with adjoining land 14508  
uses and the residential character of the neighborhood; 14509

(2) Require compliance with yard, parking, and sign 14510  
regulation; 14511

(3) Limit excessive concentration of these residential 14512  
facilities. 14513

(Q) This section does not prohibit a political subdivision 14514  
from applying to residential facilities nondiscriminatory 14515  
regulations requiring compliance with health, fire, and safety 14516  
regulations and building standards and regulations. 14517

(R) Divisions (O) and (P) of this section are not applicable 14518  
to municipal corporations that had in effect on June 15, 1977, an 14519  
ordinance specifically permitting in residential zones licensed 14520  
residential facilities by means of permitted uses, conditional 14521  
uses, or special exception, so long as such ordinance remains in 14522  
effect without any substantive modification. 14523

(S)(1) The director may issue an interim license to operate a 14524  
residential facility to an applicant for a license under this 14525  
section if either of the following is the case: 14526

(a) The director determines that an emergency exists 14527  
requiring immediate placement of persons in a residential 14528

facility, that insufficient licensed beds are available, and that 14529  
the residential facility is likely to receive a permanent license 14530  
under this section within thirty days after issuance of the 14531  
interim license. 14532

(b) The director determines that the issuance of an interim 14533  
license is necessary to meet a temporary need for a residential 14534  
facility. 14535

(2) To be eligible to receive an interim license, an 14536  
applicant must meet the same criteria that must be met to receive 14537  
a permanent license under this section, except for any differing 14538  
procedures and time frames that may apply to issuance of a 14539  
permanent license. 14540

(3) An interim license shall be valid for thirty days and may 14541  
be renewed by the director for a period not to exceed one hundred 14542  
fifty days. 14543

(4) The director shall adopt rules in accordance with Chapter 14544  
119. of the Revised Code as the director considers necessary to 14545  
administer the issuance of interim licenses. 14546

(T) Notwithstanding rules adopted pursuant to this section 14547  
establishing the maximum number of persons who may be served in a 14548  
particular type of residential facility, a residential facility 14549  
shall be permitted to serve the same number of persons being 14550  
served by the facility on the effective date of the rules or the 14551  
number of persons for which the facility is authorized pursuant to 14552  
a current application for a certificate of need with a letter of 14553  
support from the department of developmental disabilities and 14554  
which is in the review process prior to April 4, 1986. 14555

(U) The director ~~or the director's designee~~ may enter at any 14556  
time, for purposes of investigation, any home, facility, or other 14557  
structure that has been reported to the director or that the 14558  
director has reasonable cause to believe is being operated as a 14559

residential facility without a license issued under this section. 14560

The director may petition the court of common pleas of the 14561  
county in which an unlicensed residential facility is located for 14562  
an order enjoining the person or governmental agency operating the 14563  
facility from continuing to operate without a license. The court 14564  
may grant the injunction on a showing that the person or 14565  
governmental agency named in the petition is operating a 14566  
residential facility without a license. The court may grant the 14567  
injunction, regardless of whether the residential facility meets 14568  
the requirements for receiving a license under this section. 14569

**Sec. 5123.191.** (A) The court of common pleas or a judge 14570  
thereof in the judge's county, or the probate court, may appoint a 14571  
receiver to take possession of and operate a residential facility 14572  
licensed by the department of developmental disabilities, in 14573  
causes pending in such courts respectively, when conditions 14574  
existing at the facility present a substantial risk of physical or 14575  
mental harm to residents and no other remedies at law are adequate 14576  
to protect the health, safety, and welfare of the residents. 14577  
Conditions at the facility that may present such risk of harm 14578  
include, but are not limited to, instances when any of the 14579  
following occur: 14580

(1) The residential facility is in violation of state or 14581  
federal law or regulations. 14582

(2) The facility has had its license revoked or procedures 14583  
for revocation have been initiated, or the facility is closing or 14584  
intends to cease operations. 14585

(3) Arrangements for relocating residents need to be made. 14586

(4) Insolvency of the operator, licensee, or landowner 14587  
threatens the operation of the facility. 14588

(5) The facility or operator has demonstrated a pattern and 14589

practice of repeated violations of state or federal laws or regulations. 14590  
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(B) A court in which a petition is filed pursuant to this section shall notify the person holding the license for the facility and the department of developmental disabilities of the filing. The court shall order the department to notify the facility owner, facility operator, county board of developmental disabilities, facility residents, and residents' parents and guardians of the filing of the petition. 14592  
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The court shall provide a hearing on the petition within five court days of the time it was filed, except that the court may appoint a receiver prior to that time if it determines that the circumstances necessitate such action. Following a hearing on the petition, and upon a determination that the appointment of a receiver is warranted, the court shall appoint a receiver and notify the department of developmental disabilities and appropriate persons of this action. 14599  
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(C) A residential facility for which a receiver has been named is deemed to be in compliance with section 5123.19 and Chapter 3721. of the Revised Code for the duration of the receivership. 14607  
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(D) When the operating revenue of a residential facility in receivership is insufficient to meet its operating expenses, including the cost of bringing the facility into compliance with state or federal laws or regulations, the court may order the state to provide necessary funding, except as provided in division (K) of this section. The state shall provide such funding, subject to the approval of the controlling board. The court may also order the appropriate authorities to expedite all inspections necessary for the issuance of licenses or the certification of a facility, and order a facility to be closed if it determines that reasonable efforts cannot bring the facility into substantial compliance with 14611  
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the law. 14622

(E) In establishing a receivership, the court shall set forth 14623  
the powers and duties of the receiver. The court may generally 14624  
authorize the receiver to do all that is prudent and necessary to 14625  
safely and efficiently operate the residential facility within the 14626  
requirements of state and federal law, but shall require the 14627  
receiver to obtain court approval prior to making any single 14628  
expenditure of more than five thousand dollars to correct 14629  
deficiencies in the structure or furnishings of a facility. The 14630  
court shall closely review the conduct of the receiver it has 14631  
appointed and shall require regular and detailed reports. The 14632  
receivership shall be reviewed at least every sixty days. 14633

(F) A receivership established pursuant to this section shall 14634  
be terminated, following notification of the appropriate parties 14635  
and a hearing, if the court determines either of the following: 14636

(1) The residential facility has been closed and the former 14637  
residents have been relocated to an appropriate facility. 14638

(2) Circumstances no longer exist at the facility that 14639  
present a substantial risk of physical or mental harm to 14640  
residents, and there is no deficiency in the facility that is 14641  
likely to create a future risk of harm. 14642

Notwithstanding division (F)(2) of this section, the court 14643  
shall not terminate a receivership for a residential facility that 14644  
has previously operated under another receivership unless the 14645  
responsibility for the operation of the facility is transferred to 14646  
an operator approved by the court and the department of 14647  
developmental disabilities. 14648

(G) The department of developmental disabilities may, upon 14649  
its own initiative or at the request of an owner, operator, or 14650  
resident of a residential facility, or at the request of a 14651  
resident's guardian or relative or a county board of developmental 14652

disabilities, petition the court to appoint a receiver to take possession of and operate a residential facility. When the department has been requested to file a petition by any of the parties listed above, it shall, within forty-eight hours of such request, either file such a petition or notify the requesting party of its decision not to file. If the department refuses to file, the requesting party may file a petition with the court requesting the appointment of a receiver to take possession of and operate a residential facility.

Petitions filed pursuant to this division shall include the following:

(1) A description of the specific conditions existing at the facility which present a substantial risk of physical or mental harm to residents;

(2) A statement of the absence of other adequate remedies at law;

(3) The number of individuals residing at the facility;

(4) A statement that the facts have been brought to the attention of the owner or licensee and that conditions have not been remedied within a reasonable period of time or that the conditions, though remedied periodically, habitually exist at the facility as a pattern or practice;

(5) The name and address of the person holding the license for the facility and the address of the department of developmental disabilities.

The court may award to an operator appropriate costs and expenses, including reasonable attorney's fees, if it determines that a petitioner has initiated a proceeding in bad faith or merely for the purpose of harassing or embarrassing the operator.

(H) Except for the department of developmental disabilities

or a county board of developmental disabilities, no party or 14683  
person interested in an action shall be appointed a receiver 14684  
pursuant to this section. 14685

To assist the court in identifying persons qualified to be 14686  
named as receivers, the director of developmental disabilities ~~or~~ 14687  
~~the director's designee~~ shall maintain a list of the names of such 14688  
persons. The director shall, in accordance with Chapter 119. of 14689  
the Revised Code, establish standards for evaluating persons 14690  
desiring to be included on such a list. 14691

(I) Before a receiver enters upon the duties of that person, 14692  
the receiver must be sworn to perform the duties of receiver 14693  
faithfully, and, with surety approved by the court, judge, or 14694  
clerk, execute a bond to such person, and in such sum as the court 14695  
or judge directs, to the effect that such receiver will faithfully 14696  
discharge the duties of receiver in the action, and obey the 14697  
orders of the court therein. 14698

(J) Under the control of the appointing court, a receiver may 14699  
bring and defend actions in the receiver's own name as receiver 14700  
and take and keep possession of property. 14701

The court shall authorize the receiver to do the following: 14702

(1) Collect payment for all goods and services provided to 14703  
the residents or others during the period of the receivership at 14704  
the same rate as was charged by the licensee at the time the 14705  
petition for receivership was filed, unless a different rate is 14706  
set by the court; 14707

(2) Honor all leases, mortgages, and secured transactions 14708  
governing all buildings, goods, and fixtures of which the receiver 14709  
has taken possession and continues to use, subject to the 14710  
following conditions: 14711

(a) In the case of a rental agreement, only to the extent of 14712  
payments that are for the use of the property during the period of 14713

the receivership; 14714

(b) In the case of a purchase agreement only to the extent of 14715  
payments that come due during the period of the receivership. 14716

(3) If transfer of residents is necessary, provide for the 14717  
orderly transfer of residents by doing the following: 14718

(a) Cooperating with all appropriate state and local agencies 14719  
in carrying out the transfer of residents to alternative community 14720  
placements; 14721

(b) Providing for the transportation of residents' belongings 14722  
and records; 14723

(c) Helping to locate alternative placements and develop 14724  
discharge plans; 14725

(d) Preparing residents for the trauma of discharge; 14726

(e) Permitting residents or guardians to participate in 14727  
transfer or discharge planning except when an emergency exists and 14728  
immediate transfer is necessary. 14729

(4) Make periodic reports on the status of the residential 14730  
program to the appropriate state agency, county board of 14731  
developmental disabilities, parents, guardians, and residents; 14732

(5) Compromise demands or claims; 14733

(6) Generally do such acts respecting the residential 14734  
facility as the court authorizes. 14735

(K) Neither the receiver nor the department of developmental 14736  
disabilities is liable for debts incurred by the owner or operator 14737  
of a residential facility for which a receiver has been appointed. 14738

(L) The department of developmental disabilities may contract 14739  
for the operation of a residential facility in receivership. The 14740  
department shall establish the conditions of a contract. 14741  
Notwithstanding any other provision of law, contracts that are 14742

necessary to carry out the powers and duties of the receiver need 14743  
not be competitively bid. 14744

(M) The department of developmental disabilities, the 14745  
department of job and family services, and the department of 14746  
health shall provide technical assistance to any receiver 14747  
appointed pursuant to this section. 14748

**Sec. 5123.21.** The director of developmental disabilities ~~or~~ 14749  
~~the director's designee~~ may transfer or authorize the transfer of 14750  
an involuntary resident or a consenting voluntary resident from 14751  
one public institution to another or to an institution other than 14752  
a public institution or other facility, if the director determines 14753  
that it would be consistent with the habilitation needs of the 14754  
resident to do so. 14755

Before an involuntary resident may be transferred to a more 14756  
restrictive setting, the managing officer of the institution shall 14757  
file a motion with the court requesting the court to amend its 14758  
order of placement issued under section 5123.76 of the Revised 14759  
Code. At the resident's request, the court shall hold a hearing on 14760  
the motion at which the resident has the same rights as at a full 14761  
hearing under section 5123.76 of the Revised Code. 14762

Whenever a resident is transferred, the director shall give 14763  
written notice of the transfer to the resident's legal guardian, 14764  
parents, spouse, and counsel, or, if none is known, to the 14765  
resident's nearest known relative or friend. If the resident is a 14766  
minor, the ~~department~~ director before making such a transfer shall 14767  
make a minute of the order for the transfer and the reason for it 14768  
upon its record and shall send a certified copy at least seven 14769  
days prior to the transfer to the person shown by its record to 14770  
have had the care or custody of the minor immediately prior to the 14771  
minor's commitment. Whenever a consenting voluntary resident is 14772  
transferred, the notification shall be given only at the 14773

resident's request. The managing officer shall advise a voluntary 14774  
resident who is being transferred that the patient may decide if 14775  
such a notification shall be given. In all such transfers, due 14776  
consideration shall be given to the relationship of the resident 14777  
to the resident's family, legal guardian, or friends, so as to 14778  
maintain relationships and encourage visits beneficial to the 14779  
resident. 14780

**Sec. 5123.61.** (A) As used in this section: 14781

(1) "Law enforcement agency" means the state highway patrol, 14782  
the police department of a municipal corporation, or a county 14783  
sheriff. 14784

(2) "Abuse" has the same meaning as in section 5123.50 of the 14785  
Revised Code, except that it includes a misappropriation, as 14786  
defined in that section. 14787

(3) "Neglect" has the same meaning as in section 5123.50 of 14788  
the Revised Code. 14789

(B) The department of developmental disabilities shall 14790  
establish a registry office for the purpose of maintaining reports 14791  
of abuse, neglect, and other major unusual incidents made to the 14792  
department under this section and reports received from county 14793  
boards of developmental disabilities under section 5126.31 of the 14794  
Revised Code. The department shall establish committees to review 14795  
reports of abuse, neglect, and other major unusual incidents. 14796

(C)(1) Any person listed in division (C)(2) of this section, 14797  
having reason to believe that a person with mental retardation or 14798  
a developmental disability has suffered or faces a substantial 14799  
risk of suffering any wound, injury, disability, or condition of 14800  
such a nature as to reasonably indicate abuse or neglect of that 14801  
person, shall immediately report or cause reports to be made of 14802  
such information to the entity specified in this division. Except 14803

as provided in section 5120.173 of the Revised Code or as 14804  
otherwise provided in this division, the person making the report 14805  
shall make it to a law enforcement agency or to the county board 14806  
of developmental disabilities. If the report concerns a resident 14807  
of a facility operated by the department of developmental 14808  
disabilities the report shall be made either to a law enforcement 14809  
agency or to the department. If the report concerns any act or 14810  
omission of an employee of a county board of developmental 14811  
disabilities, the report immediately shall be made to the 14812  
department and to the county board. 14813

(2) All of the following persons are required to make a 14814  
report under division (C)(1) of this section: 14815

(a) Any physician, including a hospital intern or resident, 14816  
any dentist, podiatrist, chiropractor, practitioner of a limited 14817  
branch of medicine as specified in section 4731.15 of the Revised 14818  
Code, hospital administrator or employee of a hospital, nurse 14819  
licensed under Chapter 4723. of the Revised Code, employee of an 14820  
ambulatory health facility as defined in section 5101.61 of the 14821  
Revised Code, employee of a home health agency, employee of a 14822  
residential facility licensed under section 5119.34 of the Revised 14823  
Code that provides accommodations, supervision, and person care 14824  
services for three to sixteen unrelated adults, or employee of a 14825  
community mental health facility; 14826

(b) Any school teacher or school authority, social worker, 14827  
psychologist, attorney, peace officer, coroner, or residents' 14828  
rights advocate as defined in section 3721.10 of the Revised Code; 14829

(c) A superintendent, board member, or employee of a county 14830  
board of developmental disabilities; an administrator, board 14831  
member, or employee of a residential facility licensed under 14832  
section 5123.19 of the Revised Code; an administrator, board 14833  
member, or employee of any other public or private provider of 14834  
services to a person with mental retardation or a developmental 14835

disability, or any MR/DD employee, as defined in section 5123.50 14836  
of the Revised Code; 14837

(d) A member of a citizen's advisory council established at 14838  
an institution or branch institution of the department of 14839  
developmental disabilities under section 5123.092 of the Revised 14840  
Code; 14841

(e) A member of the clergy who is employed in a position that 14842  
includes providing specialized services to an individual with 14843  
mental retardation or another developmental disability, while 14844  
acting in an official or professional capacity in that position, 14845  
or a person who is employed in a position that includes providing 14846  
specialized services to an individual with mental retardation or 14847  
another developmental disability and who, while acting in an 14848  
official or professional capacity, renders spiritual treatment 14849  
through prayer in accordance with the tenets of an organized 14850  
religion. 14851

(3)(a) The reporting requirements of this division do not 14852  
apply to employees of the Ohio protection and advocacy system. 14853

(b) An attorney or physician is not required to make a report 14854  
pursuant to division (C)(1) of this section concerning any 14855  
communication the attorney or physician receives from a client or 14856  
patient in an attorney-client or physician-patient relationship, 14857  
if, in accordance with division (A) or (B) of section 2317.02 of 14858  
the Revised Code, the attorney or physician could not testify with 14859  
respect to that communication in a civil or criminal proceeding, 14860  
except that the client or patient is deemed to have waived any 14861  
testimonial privilege under division (A) or (B) of section 2317.02 14862  
of the Revised Code with respect to that communication and the 14863  
attorney or physician shall make a report pursuant to division 14864  
(C)(1) of this section, if both of the following apply: 14865

(i) The client or patient, at the time of the communication, 14866



is a person with mental retardation or a developmental disability. 14867

(ii) The attorney or physician knows or suspects, as a result 14868  
of the communication or any observations made during that 14869  
communication, that the client or patient has suffered or faces a 14870  
substantial risk of suffering any wound, injury, disability, or 14871  
condition of a nature that reasonably indicates abuse or neglect 14872  
of the client or patient. 14873

(4) Any person who fails to make a report required under 14874  
division (C) of this section and who is an MR/DD employee, as 14875  
defined in section 5123.50 of the Revised Code, shall be eligible 14876  
to be included in the registry regarding misappropriation, abuse, 14877  
neglect, or other specified misconduct by MR/DD employees 14878  
established under section 5123.52 of the Revised Code. 14879

(D) The reports required under division (C) of this section 14880  
shall be made forthwith by telephone or in person and shall be 14881  
followed by a written report. The reports shall contain the 14882  
following: 14883

(1) The names and addresses of the person with mental 14884  
retardation or a developmental disability and the person's 14885  
custodian, if known; 14886

(2) The age of the person with mental retardation or a 14887  
developmental disability; 14888

(3) Any other information that would assist in the 14889  
investigation of the report. 14890

(E) When a physician performing services as a member of the 14891  
staff of a hospital or similar institution has reason to believe 14892  
that a person with mental retardation or a developmental 14893  
disability has suffered injury, abuse, or physical neglect, the 14894  
physician shall notify the person in charge of the institution or 14895  
that person's designated delegate, who shall make the necessary 14896  
reports. 14897

(F) Any person having reasonable cause to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering abuse or neglect may report or cause a report to be made of that belief to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or the county board of developmental disabilities. If the person is a resident of a facility operated by the department of developmental disabilities, the report shall be made to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall be made to the department and to the county board.

(G)(1) Upon the receipt of a report concerning the possible abuse or neglect of a person with mental retardation or a developmental disability, the law enforcement agency shall inform the county board of developmental disabilities or, if the person is a resident of a facility operated by the department of developmental disabilities, the ~~director of the department or the director's designee.~~

(2) On receipt of a report under this section that includes an allegation of action or inaction that may constitute a crime under federal law or the law of this state, the department of developmental disabilities shall notify the law enforcement agency.

(3) When a county board of developmental disabilities receives a report under this section that includes an allegation of action or inaction that may constitute a crime under federal law or the law of this state, the superintendent of the board or an individual the superintendent designates under division (H) of this section shall notify the law enforcement agency. The

superintendent or individual shall notify the department of 14930  
developmental disabilities when it receives any report under this 14931  
section. 14932

(4) When a county board of developmental disabilities 14933  
receives a report under this section and believes that the degree 14934  
of risk to the person is such that the report is an emergency, the 14935  
superintendent of the board or an employee of the board the 14936  
superintendent designates shall attempt a face-to-face contact 14937  
with the person with mental retardation or a developmental 14938  
disability who allegedly is the victim within one hour of the 14939  
board's receipt of the report. 14940

(H) The superintendent of the board may designate an 14941  
individual to be responsible for notifying the law enforcement 14942  
agency and the department when the county board receives a report 14943  
under this section. 14944

(I) An adult with mental retardation or a developmental 14945  
disability about whom a report is made may be removed from the 14946  
adult's place of residence only by law enforcement officers who 14947  
consider that the adult's immediate removal is essential to 14948  
protect the adult from further injury or abuse or in accordance 14949  
with the order of a court made pursuant to section 5126.33 of the 14950  
Revised Code. 14951

(J) A law enforcement agency shall investigate each report of 14952  
abuse or neglect it receives under this section. In addition, the 14953  
department, in cooperation with law enforcement officials, shall 14954  
investigate each report regarding a resident of a facility 14955  
operated by the department to determine the circumstances 14956  
surrounding the injury, the cause of the injury, and the person 14957  
responsible. The investigation shall be in accordance with the 14958  
memorandum of understanding prepared under section 5126.058 of the 14959  
Revised Code. The department shall determine, with the registry 14960  
office which shall be maintained by the department, whether prior 14961

reports have been made concerning an adult with mental retardation 14962  
or a developmental disability or other principals in the case. If 14963  
the department finds that the report involves action or inaction 14964  
that may constitute a crime under federal law or the law of this 14965  
state, it shall submit a report of its investigation, in writing, 14966  
to the law enforcement agency. If the person with mental 14967  
retardation or a developmental disability is an adult, with the 14968  
consent of the adult, the department shall provide such protective 14969  
services as are necessary to protect the adult. The law 14970  
enforcement agency shall make a written report of its findings to 14971  
the department. 14972

If the person is an adult and is not a resident of a facility 14973  
operated by the department, the county board of developmental 14974  
disabilities shall review the report of abuse or neglect in 14975  
accordance with sections 5126.30 to 5126.33 of the Revised Code 14976  
and the law enforcement agency shall make the written report of 14977  
its findings to the county board. 14978

(K) Any person or any hospital, institution, school, health 14979  
department, or agency participating in the making of reports 14980  
pursuant to this section, any person participating as a witness in 14981  
an administrative or judicial proceeding resulting from the 14982  
reports, or any person or governmental entity that discharges 14983  
responsibilities under sections 5126.31 to 5126.33 of the Revised 14984  
Code shall be immune from any civil or criminal liability that 14985  
might otherwise be incurred or imposed as a result of such actions 14986  
except liability for perjury, unless the person or governmental 14987  
entity has acted in bad faith or with malicious purpose. 14988

(L) No employer or any person with the authority to do so 14989  
shall discharge, demote, transfer, prepare a negative work 14990  
performance evaluation, reduce pay or benefits, terminate work 14991  
privileges, or take any other action detrimental to an employee or 14992  
retaliate against an employee as a result of the employee's having 14993

made a report under this section. This division does not preclude 14994  
an employer or person with authority from taking action with 14995  
regard to an employee who has made a report under this section if 14996  
there is another reasonable basis for the action. 14997

(M) Reports made under this section are not public records as 14998  
defined in section 149.43 of the Revised Code. Information 14999  
contained in the reports on request shall be made available to the 15000  
person who is the subject of the report, to the person's legal 15001  
counsel, and to agencies authorized to receive information in the 15002  
report by the department or by a county board of developmental 15003  
disabilities. 15004

(N) Notwithstanding section 4731.22 of the Revised Code, the 15005  
physician-patient privilege shall not be a ground for excluding 15006  
evidence regarding the injuries or physical neglect of a person 15007  
with mental retardation or a developmental disability or the cause 15008  
thereof in any judicial proceeding resulting from a report 15009  
submitted pursuant to this section. 15010

**Sec. 5123.75.** A respondent who is involuntarily placed in an 15011  
institution or other place as designated in section 5123.77 of the 15012  
Revised Code or with respect to whom proceedings have been 15013  
instituted under section 5123.71 of the Revised Code shall, on 15014  
request of the respondent, the respondent's guardian, or the 15015  
respondent's counsel, or upon the court's own motion, be afforded 15016  
a hearing to determine whether there is probable cause to believe 15017  
that the respondent is a mentally retarded person subject to 15018  
institutionalization by court order. 15019

(A) The probable cause hearing shall be conducted within two 15020  
court days from the day on which the request is made. Failure to 15021  
conduct the probable cause hearing within this time shall effect 15022  
an immediate discharge of the respondent. If the proceedings are 15023  
not reinstated within thirty days, records of the proceedings 15024

shall be expunged. 15025

(B) The respondent shall be informed that the respondent may 15026  
retain counsel and have independent expert evaluation and, if the 15027  
respondent is an indigent person, be represented by court 15028  
appointed counsel and have independent expert evaluation at court 15029  
expense. 15030

(C) The probable cause hearing shall be conducted in a manner 15031  
consistent with the procedures set forth in division (A) of 15032  
section 5123.76 of the Revised Code, except divisions (A)(10) and 15033  
(14) of that section, and the designee of the director of 15034  
developmental disabilities under section 5123.72 of the Revised 15035  
Code shall present evidence for the state. 15036

(D) If the court does not find probable cause to believe that 15037  
the respondent is a mentally retarded person subject to 15038  
institutionalization by court order, it shall order immediate 15039  
release of the respondent and dismiss and expunge all record of 15040  
the proceedings under this chapter. 15041

(E) On motion of the respondent or the respondent's counsel 15042  
and for good cause shown, the court may order a continuance of the 15043  
hearing. 15044

(F) If the court finds probable cause to believe that the 15045  
respondent is a mentally retarded person subject to 15046  
institutionalization by court order, the court may issue an 15047  
interim order of placement and, where proceedings under section 15048  
5123.71 of the Revised Code have been instituted, shall order a 15049  
full hearing as provided in section 5123.76 of the Revised Code to 15050  
be held on the question of whether the respondent is a mentally 15051  
retarded person subject to institutionalization by court order. 15052  
Unless specifically waived by the respondent or the respondent's 15053  
counsel, the court shall schedule said hearing to be held as soon 15054  
as possible within ten days from the probable cause hearing. A 15055

waiver of such full hearing at this point shall not preclude the 15056  
respondent from asserting the respondent's right to such hearing 15057  
under section 5123.76 of the Revised Code at any time prior to the 15058  
mandatory hearing provided in division (H) of section 5123.76 of 15059  
the Revised Code. In any case, if the respondent has waived the 15060  
right to the full hearing, a mandatory hearing shall be held under 15061  
division (H) of section 5123.76 of the Revised Code between the 15062  
ninetieth and the one hundredth day after the original involuntary 15063  
detention of the person unless the respondent has been discharged. 15064

(G) Whenever possible, the probable cause hearing shall be 15065  
held before the respondent is taken into custody. 15066

**Sec. 5123.76.** (A) The full hearing shall be conducted in a 15067  
manner consistent with the procedures outlined in this chapter and 15068  
with due process of law. The hearing shall be held by a judge of 15069  
the probate division or, upon transfer by the judge of the probate 15070  
division, by another judge of the court of common pleas, or a 15071  
referee designated by the judge of the probate division. Any 15072  
referee designated by the judge of the probate division must be an 15073  
attorney. 15074

(1) The following shall be made available to counsel for the 15075  
respondent: 15076

(a) All relevant documents, information, and evidence in the 15077  
custody or control of the state or prosecutor; 15078

(b) All relevant documents, information, and evidence in the 15079  
custody or control of the institution, facility, or program in 15080  
which the respondent currently is held or in which the respondent 15081  
has been held pursuant to these proceedings; 15082

(c) With the consent of the respondent, all relevant 15083  
documents, information, and evidence in the custody or control of 15084  
any institution or person other than the state. 15085

(2) The respondent has the right to be represented by counsel 15086  
of the respondent's choice and has the right to attend the hearing 15087  
except if unusual circumstances of compelling medical necessity 15088  
exist that render the respondent unable to attend and the 15089  
respondent has not expressed a desire to attend. 15090

(3) If the respondent is not represented by counsel and the 15091  
court determines that the conditions specified in division (A)(2) 15092  
of this section justify the respondent's absence and the right to 15093  
counsel has not been validly waived, the court shall appoint 15094  
counsel forthwith to represent the respondent at the hearing, 15095  
reserving the right to tax costs of appointed counsel to the 15096  
respondent unless it is shown that the respondent is indigent. If 15097  
the court appoints counsel, or if the court determines that the 15098  
evidence relevant to the respondent's absence does not justify the 15099  
absence, the court shall continue the case. 15100

(4) The respondent shall be informed of the right to retain 15101  
counsel, to have independent expert evaluation, and, if an 15102  
indigent person, to be represented by court appointed counsel and 15103  
have expert independent evaluation at court expense. 15104

(5) The hearing may be closed to the public unless counsel 15105  
for the respondent requests that the hearing be open to the 15106  
public. 15107

(6) Unless objected to by the respondent, the respondent's 15108  
counsel, or the designee of the director of developmental 15109  
disabilities under section 5123.72 of the Revised Code, the court, 15110  
for good cause shown, may admit persons having a legitimate 15111  
interest in the proceedings. 15112

(7) The affiant under section 5123.71 of the Revised Code 15113  
shall be subject to subpoena by either party. 15114

(8) The court shall examine the sufficiency of all documents 15115  
filed and shall inform the respondent, if present, and the 15116



respondent's counsel of the nature of the content of the documents 15117  
and the reason for which the respondent is being held or for which 15118  
the respondent's placement is being sought. 15119

(9) The court shall receive only relevant, competent, and 15120  
material evidence. 15121

(10) ~~The~~ In accordance with section 5123.72 of the Revised 15122  
Code, the designee of the director shall present the evidence for 15123  
the state. In proceedings under this chapter, the attorney general 15124  
shall present the comprehensive evaluation, assessment, diagnosis, 15125  
prognosis, record of habilitation and care, if any, and less 15126  
restrictive habilitation plans, if any. The attorney general does 15127  
not have a similar presentation responsibility in connection with 15128  
a person who has been found not guilty by reason of insanity and 15129  
who is the subject of a hearing under section 2945.40 of the 15130  
Revised Code to determine whether the person is a mentally 15131  
retarded person subject to institutionalization by court order. 15132

(11) The respondent has the right to testify and the 15133  
respondent or the respondent's counsel has the right to subpoena 15134  
witnesses and documents and to present and cross-examine 15135  
witnesses. 15136

(12) The respondent shall not be compelled to testify and 15137  
shall be so advised by the court. 15138

(13) On motion of the respondent or the respondent's counsel 15139  
for good cause shown, or upon the court's own motion, the court 15140  
may order a continuance of the hearing. 15141

(14) To an extent not inconsistent with this chapter, the 15142  
Rules of Civil Procedure shall be applicable. 15143

(B) Unless, upon completion of the hearing, the court finds 15144  
by clear and convincing evidence that the respondent named in the 15145  
affidavit is a mentally retarded person subject to 15146  
institutionalization by court order, it shall order the 15147

respondent's discharge forthwith. 15148

(C) If, upon completion of the hearing, the court finds by 15149  
clear and convincing evidence that the respondent is a mentally 15150  
retarded person subject to institutionalization by court order, 15151  
the court may order the respondent's discharge or order the 15152  
respondent, for a period not to exceed ninety days, to any of the 15153  
following: 15154

(1) A public institution, provided that commitment of the 15155  
respondent to the institution will not cause the institution to 15156  
exceed its licensed capacity determined in accordance with section 15157  
5123.19 of the Revised Code and provided that such a placement is 15158  
indicated by the comprehensive evaluation report filed pursuant to 15159  
section 5123.71 of the Revised Code; 15160

(2) A private institution; 15161

(3) A county mental retardation program; 15162

(4) Receive private habilitation and care; 15163

(5) Any other suitable facility, program, or the care of any 15164  
person consistent with the comprehensive evaluation, assessment, 15165  
diagnosis, prognosis, and habilitation needs of the respondent. 15166

(D) Any order made pursuant to division (C)(2), (4), or (5) 15167  
of this section shall be conditional upon the receipt by the court 15168  
of consent by the facility, program, or person to accept the 15169  
respondent. 15170

(E) In determining the place to which, or the person with 15171  
whom, the respondent is to be committed, the court shall consider 15172  
the comprehensive evaluation, assessment, diagnosis, and projected 15173  
habilitation plan for the respondent, and shall order the 15174  
implementation of the least restrictive alternative available and 15175  
consistent with habilitation goals. 15176

(F) If, at any time it is determined by the director of the 15177

facility or program to which, or the person to whom, the 15178  
respondent is committed that the respondent could be equally well 15179  
habilitated in a less restrictive environment that is available, 15180  
the following shall occur: 15181

(1) The respondent shall be released by the director of the 15182  
facility or program or by the person forthwith and referred to the 15183  
court together with a report of the findings and recommendations 15184  
of the facility, program, or person. 15185

(2) The director of the facility or program or the person 15186  
shall notify the respondent's counsel and the designee of the 15187  
director of developmental disabilities. 15188

(3) The court shall dismiss the case or order placement in 15189  
the less restrictive environment. 15190

(G)(1) Except as provided in divisions (G)(2) and (3) of this 15191  
section, any person who has been committed under this section may 15192  
apply at any time during the ninety-day period for voluntary 15193  
admission to an institution under section 5123.69 of the Revised 15194  
Code. Upon admission of a voluntary resident, the managing officer 15195  
immediately shall notify the court, the respondent's counsel, and 15196  
the designee of the director in writing of that fact by mail or 15197  
otherwise, and, upon receipt of the notice, the court shall 15198  
dismiss the case. 15199

(2) A person who is found incompetent to stand trial or not 15200  
guilty by reason of insanity and who is committed pursuant to 15201  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 15202  
Code shall not be voluntarily admitted to an institution pursuant 15203  
to division (G)(1) of this section until after the termination of 15204  
the commitment, as described in division (J) of section 2945.401 15205  
of the Revised Code. 15206

(H) If, at the end of any commitment period, the respondent 15207  
has not already been discharged or has not requested voluntary 15208

admission status, the director of the facility or program, or the 15209  
person to whose care the respondent has been committed, shall 15210  
discharge the respondent forthwith, unless at least ten days 15211  
before the expiration of that period the designee of the director 15212  
of developmental disabilities or the prosecutor files an 15213  
application with the court requesting continued commitment. 15214

(1) An application for continued commitment shall include a 15215  
written report containing a current comprehensive evaluation and 15216  
assessment, a diagnosis, a prognosis, an account of progress and 15217  
past habilitation, and a description of alternative habilitation 15218  
settings and plans, including a habilitation setting that is the 15219  
least restrictive setting consistent with the need for 15220  
habilitation. A copy of the application shall be provided to 15221  
respondent's counsel. The requirements for notice under section 15222  
5123.73 of the Revised Code and the provisions of divisions (A) to 15223  
(E) of this section apply to all hearings on such applications. 15224

(2) A hearing on the first application for continued 15225  
commitment shall be held at the expiration of the first ninety-day 15226  
period. The hearing shall be mandatory and may not be waived. 15227

(3) Subsequent periods of commitment not to exceed one 15228  
hundred eighty days each may be ordered by the court if the 15229  
designee of the director of developmental disabilities files an 15230  
application for continued commitment, after a hearing is held on 15231  
the application or without a hearing if no hearing is requested 15232  
and no hearing required under division (H)(4) of this section is 15233  
waived. Upon the application of a person involuntarily committed 15234  
under this section, supported by an affidavit of a licensed 15235  
physician alleging that the person is no longer a mentally 15236  
retarded person subject to institutionalization by court order, 15237  
the court for good cause shown may hold a full hearing on the 15238  
person's continued commitment prior to the expiration of any 15239  
subsequent period of commitment set by the court. 15240

(4) A mandatory hearing shall be held at least every two 15241  
years after the initial commitment. 15242

(5) If the court, after a hearing upon a request to continue 15243  
commitment, finds that the respondent is a mentally retarded 15244  
person subject to institutionalization by court order, the court 15245  
may make an order pursuant to divisions (C), (D), and (E) of this 15246  
section. 15247

(I) Notwithstanding the provisions of division (H) of this 15248  
section, no person who is found to be a mentally retarded person 15249  
subject to institutionalization by court order pursuant to 15250  
division (O)(2) of section 5123.01 of the Revised Code shall be 15251  
held under involuntary commitment for more than five years. 15252

(J) The managing officer admitting a person pursuant to a 15253  
judicial proceeding, within ten working days of the admission, 15254  
shall make a report of the admission to the department. 15255

**Sec. 5123.89.** (A) As used in this section: 15256

(1) "Family" means a parent, brother, sister, spouse, son, 15257  
daughter, grandparent, aunt, uncle, or cousin. 15258

(2) "Payment" means activities undertaken by a service 15259  
provider or government entity to obtain or provide reimbursement 15260  
for services provided to a person. 15261

(3) "Treatment" means the provision of services to a person, 15262  
including the coordination or management of services provided to 15263  
the person. 15264

(B) All certificates, applications, records, and reports made 15265  
for the purpose of this chapter, other than court journal entries 15266  
or court docket entries, which directly or indirectly identify a 15267  
resident or former resident of an institution for the mentally 15268  
retarded or person whose institutionalization has been sought 15269  
under this chapter shall be kept confidential and shall not be 15270

disclosed by any person except in the following situations: 15271

(1) It is the judgment of the court for judicial records, and 15272  
the managing officer for institution records, that disclosure is 15273  
in the best interest of the person identified, and that person or 15274  
that person's guardian or, if that person is a minor, that 15275  
person's parent or guardian consents. 15276

(2) Disclosure is provided for in other sections of this 15277  
chapter. 15278

(3) It is the judgment of the managing officer for 15279  
institution records that disclosure to a mental health facility is 15280  
in the best interest of the person identified. 15281

(4) Disclosure is of a record deposited with the Ohio 15282  
historical society pursuant to division (C) of section 5123.31 of 15283  
the Revised Code and the disclosure is made to the closest living 15284  
relative of the person identified, on the relative's request. 15285

~~(B)(5) Disclosure is needed for the treatment of a person who 15286  
is a resident or former resident of an institution for the 15287  
mentally retarded or a person whose institutionalization has been 15288  
sought under this chapter or is needed for the payment of services 15289  
provided to the person. 15290~~

(C) The department of developmental disabilities shall adopt 15291  
rules with respect to the systematic and periodic destruction of 15292  
residents' records. 15293

~~(C)(1) As used in this division, "family" means a parent, 15294  
brother, sister, spouse, son, daughter, grandparent, aunt, uncle, 15295  
or cousin. 15296~~

~~(2)~~(D) Upon the death of a resident or former resident of an 15297  
institution for the mentally retarded or a person whose 15298  
institutionalization was sought under this chapter, the managing 15299  
officer of an institution shall provide access to the 15300

certificates, applications, records, and reports made for the 15301  
purposes of this chapter to the resident's, former resident's, or 15302  
person's guardian if the guardian makes a written request. If a 15303  
deceased resident, former resident, or person whose 15304  
institutionalization was sought under this chapter did not have a 15305  
guardian at the time of death, the managing officer shall provide 15306  
access to the certificates, applications, records, and reports 15307  
made for purposes of this chapter to a member of the person's 15308  
family, upon that family member's written request. 15309

~~(D)~~(E) No person shall reveal the contents of a record of a 15310  
resident except as authorized by this chapter. 15311

**Sec. 5124.01.** As used in this chapter: 15312

(A) "Affiliated operator" means an operator affiliated with 15313  
either of the following: 15314

(1) The exiting operator for whom the affiliated operator is 15315  
to assume liability for the entire amount of the exiting 15316  
operator's debt under the medicaid program or the portion of the 15317  
debt that represents the franchise permit fee the exiting operator 15318  
owes; 15319

(2) The entering operator involved in the change of operator 15320  
with the exiting operator specified in division (A)(1) of this 15321  
section. 15322

(B) "Allowable costs" means an ICF/IID's costs that the 15323  
department of developmental disabilities determines are 15324  
reasonable. Fines paid under section 5124.99 of the Revised Code 15325  
are not allowable costs. 15326

(C) "Capital costs" means an ICF/IID's costs of ownership and 15327  
costs of nonextensive renovation. 15328

(D) "Case-mix score" means the measure determined under 15329  
section 5124.192 of the Revised Code of the relative direct-care 15330

resources needed to provide care and habilitation to an ICF/IID resident. 15331  
15332

(E) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator. 15333  
15334

(1) Actions that constitute a change of operator include the following: 15335  
15336

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship; 15337  
15338  
15339

(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/IID to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/IID is also transferred; 15340  
15341  
15342  
15343  
15344

(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease; 15345  
15346

(d) If the exiting operator is a partnership, dissolution of the partnership; 15347  
15348

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 15349  
15350

(i) The change in composition does not cause the partnership's dissolution under state law. 15351  
15352

(ii) The partners agree that the change in composition does not constitute a change in operator. 15353  
15354

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 15355  
15356  
15357  
15358

(2) The following, alone, do not constitute a change of operator: 15359  
15360



(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;	15361 15362 15363
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;	15364 15365 15366 15367
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	15368 15369 15370 15371
(F) "Cost center" means the following:	15372
(1) Capital costs;	15373
(2) Direct care costs;	15374
(3) Indirect care costs;	15375
(4) Other protected costs.	15376
(G) "Costs of nonextensive renovations" means the actual expense incurred by an ICF/IID for depreciation or amortization and interest on renovations that are not extensive renovations.	15377 15378 15379
(H)(1) "Costs of ownership" means the actual expenses incurred by an ICF/IID for all of the following:	15380 15381
(a) Subject to division (H)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:	15382 15383 15384
(i) Buildings;	15385
(ii) Building improvements that are not approved as nonextensive renovations under section 5124.17 of the Revised Code;	15386 15387 15388
(iii) Equipment;	15389

(iv) Extensive renovations;	15390
(v) Transportation equipment.	15391
(b) Amortization and interest on land improvements and leasehold improvements;	15392 15393
(c) Amortization of financing costs;	15394
(d) Except as provided in division (Z) of this section, lease and rent of land, building, and equipment.	15395 15396
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	15397 15398 15399
(I)(1) "Date of licensure" means the following:	15400
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;	15401 15402 15403 15404 15405
(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;	15406 15407 15408
(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.	15409 15410 15411 15412 15413 15414
(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply,	15415 15416 15417 15418 15419

however, to additional beds when both of the following apply: 15420

(a) The additional beds are located in a part of the ICF/IID 15421  
that was constructed at the same time as the continuing beds 15422  
already located in that part of the ICF/IID. 15423

(b) The part of the ICF/IID in which the additional beds are 15424  
located was constructed as part of the ICF/IID at a time when the 15425  
ICF/IID was not required by law to be licensed as a nursing home 15426  
or residential facility. 15427

(3) The definition of "date of licensure" in this section 15428  
applies in determinations of ICFs/IID's medicaid payment rates but 15429  
does not apply in determinations of ICFs/IID's franchise permit 15430  
fees under sections 5168.60 to 5168.71 of the Revised Code. 15431

(J) "Desk-reviewed" means that an ICF/IID's costs as reported 15432  
on a cost report filed under section 5124.10 or 5124.101 of the 15433  
Revised Code have been subjected to a desk review under section 15434  
5124.108 of the Revised Code and preliminarily determined to be 15435  
allowable costs. 15436

(K) "Developmental center" means a residential facility that 15437  
is maintained and operated by the department of developmental 15438  
disabilities. 15439

(L) "Direct care costs" means all of the following costs 15440  
incurred by an ICF/IID: 15441

(1) Costs for registered nurses, licensed practical nurses, 15442  
and nurse aides employed by the ICF/IID; 15443

(2) Costs for direct care staff, administrative nursing 15444  
staff, medical directors, respiratory therapists, physical 15445  
therapists, physical therapy assistants, occupational therapists, 15446  
occupational therapy assistants, speech therapists, audiologists, 15447  
habilitation staff (including habilitation supervisors), qualified 15448  
intellectual disability professionals, program directors, social 15449

services staff, activities staff, off-site day programming,	15450
psychologists, psychology assistants, social workers, counselors,	15451
and other persons holding degrees qualifying them to provide	15452
therapy;	15453
(3) Costs of purchased nursing services;	15454
(4) Costs of training and staff development, employee	15455
benefits, payroll taxes, and workers' compensation premiums or	15456
costs for self-insurance claims and related costs as specified in	15457
rules adopted under section 5124.03 of the Revised Code, for	15458
personnel listed in divisions (L)(1), (2), and (3) of this	15459
section;	15460
(5) Costs of quality assurance;	15461
(6) Costs of consulting and management fees related to direct	15462
care;	15463
(7) Allocated direct care home office costs;	15464
(8) Costs of other direct-care resources that are specified	15465
as direct care costs in rules adopted under section 5124.03 of the	15466
Revised Code.	15467
(M) "Downsized ICF/IID" means an ICF/IID that permanently	15468
reduced its medicaid-certified capacity pursuant to a plan	15469
approved by the department of developmental disabilities under	15470
section 5123.042 of the Revised Code.	15471
(N) "Effective date of a change of operator" means the day	15472
the entering operator becomes the operator of the ICF/IID.	15473
(O) "Effective date of a facility closure" means the last day	15474
that the last of the residents of the ICF/IID resides in the	15475
ICF/IID.	15476
(P) "Effective date of an involuntary termination" means the	15477
date the department of medicaid terminates the operator's provider	15478
agreement for the ICF/IID or the last day that such a provider	15479

agreement is in effect when the department cancels or refuses to revalidate it. 15480  
15481

(Q) "Effective date of a voluntary termination" means the day the ICF/IID ceases to accept medicaid recipients. 15482  
15483

(R) "Entering operator" means the person or government entity that will become the operator of an ICF/IID when a change of operator occurs or following an involuntary termination. 15484  
15485  
15486

(S) "Exiting operator" means any of the following: 15487

(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator; 15488  
15489

(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure; 15490  
15491

(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination; 15492  
15493

(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination. 15494  
15495

(T)(1) "Extensive renovation" means the following: 15496

(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply: 15497  
15498

(i) It was started before July 1, 1993~~+~~+. 15499

(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992. 15500  
15501  
15502

(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply: 15503  
15504

(i) It was started on or after July 1, 1993~~+~~+. 15505

(ii) Except as provided in division (T)(2) of this section, it costs more than sixty-five per cent and not more than eighty-five per cent of the cost of constructing a new bed~~+~~+. 15506  
15507  
15508

(iii) It extends the useful life of the assets for at least 15509  
ten years. 15510

(2) The department of developmental disabilities may treat a 15511  
renovation that costs more than eighty-five per cent of the cost 15512  
of constructing new beds as an extensive renovation if the 15513  
department determines that the renovation is more prudent than 15514  
construction of new beds. 15515

(3) For the purpose of division (T)(1)(b)(ii) of this 15516  
section, the cost of constructing a new bed shall be considered to 15517  
be forty thousand dollars, adjusted for the estimated rate of 15518  
inflation from January 1, 1993, to the end of the calendar year 15519  
during which the extensive renovation is completed, using the 15520  
consumer price index for shelter costs for all urban consumers for 15521  
the north central region, as published by the United States bureau 15522  
of labor statistics. 15523

(U)(1) Subject to divisions (U)(2) and (3) of this section, 15524  
"facility closure" means either of the following: 15525

(a) Discontinuance of the use of the building, or part of the 15526  
building, that houses the facility as an ICF/IID that results in 15527  
the relocation of all of the facility's residents; 15528

(b) Conversion of the building, or part of the building, that 15529  
houses an ICF/IID to a different use with any necessary license or 15530  
other approval needed for that use being obtained and one or more 15531  
of the facility's residents remaining in the facility to receive 15532  
services under the new use. 15533

(2) A facility closure occurs regardless of any of the 15534  
following: 15535

(a) The operator completely or partially replacing the 15536  
ICF/IID by constructing a new ICF/IID or transferring the 15537  
ICF/IID's license to another ICF/IID; 15538

(b) The ICF/IID's residents relocating to another of the operator's ICFs/IID;	15539 15540
(c) Any action the department of health takes regarding the ICF/IID's medicaid certification that may result in the transfer of part of the ICF/IID's survey findings to another of the operator's ICFs/IID;	15541 15542 15543 15544
(d) Any action the department of developmental disabilities takes regarding the ICF/IID's license under section 5123.19 of the Revised Code.	15545 15546 15547
(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs.	15548 15549 15550 15551
(V) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	15552 15553
(W) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.	15554 15555
(X) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	15556 15557
(Y) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150.	15558 15559
(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home	15560 15561 15562 15563 15564 15565 15566 15567 15568

office costs not otherwise allocated, legal services, accounting 15569  
services, minor equipment, maintenance and repair expenses, 15570  
help-wanted advertising, informational advertising, start-up 15571  
costs, organizational expenses, other interest, property 15572  
insurance, employee training and staff development, employee 15573  
benefits, payroll taxes, and workers' compensation premiums or 15574  
costs for self-insurance claims and related costs, as specified in 15575  
rules adopted under section 5124.03 of the Revised Code, for 15576  
personnel listed in this division. Notwithstanding division (H) of 15577  
this section, "indirect care costs" also means the cost of 15578  
equipment, including vehicles, acquired by operating lease 15579  
executed before December 1, 1992, if the costs are reported as 15580  
administrative and general costs on the ICF/IID's cost report for 15581  
the cost reporting period ending December 31, 1992. 15582

(2) For the purpose of division (Z)(1) of this section, an 15583  
operating lease shall be construed in accordance with generally 15584  
accepted accounting principles. 15585

(AA) "Inpatient days" means both of the following: 15586

(1) All days during which a resident, regardless of payment 15587  
source, occupies a bed in an ICF/IID that is included in the 15588  
ICF/IID's medicaid-certified capacity; 15589

(2) All days for which payment is made under section 5124.34 15590  
of the Revised Code. 15591

(BB) "Intermediate care facility for individuals with 15592  
intellectual disabilities" and "ICF/IID" mean an intermediate care 15593  
facility for the mentally retarded as defined in the "Social 15594  
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 15595

(CC) "Involuntary termination" means the department of 15596  
medicaid's termination of, cancellation of, or refusal to 15597  
revalidate the operator's provider agreement for the ICF/IID when 15598  
such action is not taken at the operator's request. 15599



(DD) "Maintenance and repair expenses" means, except as provided in division (TT)(2)(b) of this section, expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering.

(EE) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds.

(FF) "Medicaid days" means both of the following:

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;

(2) All days for which payment is made under section 5124.34 of the Revised Code.

(GG)(1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement.

(2) "New ICF/IID" does not mean either of the following:

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code;

(b) A downsized ICF/IID or partially converted ICF/IID.

(HH) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(II) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID.

(JJ) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code.

(KK)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID:

(a) The land on which the ICF/IID is located;

(b) The structure in which the ICF/IID is located;

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located;

(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located.

(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a subsidiary.

(LL) "Partially converted ICF/IID" means an ICF/IID that converted some, but not all, of its beds to providing home and community-based services under the individual options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.

(MM)(1) Except as provided in divisions (MM)(2) and (3) of this section, "per diem" means an ICF/IID's desk-reviewed, actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period.

(2) When determining capital costs for the purpose of section 5124.17 of the Revised Code, "per diem" means an ICF/IID's actual, allowable capital costs in a ~~cost reporting~~ cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been ninety-five per cent.

(3) When determining indirect care costs for the purpose of section 5124.21 of the Revised Code, "per diem" means an ICF/IID's actual, allowable indirect care costs in a ~~cost reporting~~ cost reporting period divided by the greater of the ICF/IID's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been eighty-five per cent.

(NN) "Provider" means an operator with a valid provider agreement.

(OO) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program.

(PP) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID.

(QQ) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby

costs, and that does not exceed what a prudent buyer pays for a 15691  
given item or services. Reasonable costs may vary from provider to 15692  
provider and from time to time for the same provider. 15693

(RR) "Related party" means an individual or organization 15694  
that, to a significant extent, has common ownership with, is 15695  
associated or affiliated with, has control of, or is controlled 15696  
by, a provider. 15697

(1) An individual who is a relative of an owner is a related 15698  
party. 15699

(2) Common ownership exists when an individual or individuals 15700  
possess significant ownership or equity in both the provider and 15701  
the other organization. Significant ownership or equity exists 15702  
when an individual or individuals possess five per cent ownership 15703  
or equity in both the provider and a supplier. Significant 15704  
ownership or equity is presumed to exist when an individual or 15705  
individuals possess ten per cent ownership or equity in both the 15706  
provider and another organization from which the provider 15707  
purchases or leases real property. 15708

(3) Control exists when an individual or organization has the 15709  
power, directly or indirectly, to significantly influence or 15710  
direct the actions or policies of an organization. 15711

(4) An individual or organization that supplies goods or 15712  
services to a provider shall not be considered a related party if 15713  
all of the following conditions are met: 15714

(a) The supplier is a separate bona fide organization. 15715

(b) A substantial part of the supplier's business activity of 15716  
the type carried on with the provider is transacted with others 15717  
than the provider and there is an open, competitive market for the 15718  
types of goods or services the supplier furnishes. 15719

(c) The types of goods or services are commonly obtained by 15720

other ICFs/IID from outside organizations and are not a basic 15721  
element of resident care ordinarily furnished directly to 15722  
residents by the ICFs/IID. 15723

(d) The charge to the provider is in line with the charge for 15724  
the goods or services in the open market and no more than the 15725  
charge made under comparable circumstances to others by the 15726  
supplier. 15727

(SS) "Relative of owner" means an individual who is related 15728  
to an owner of an ICF/IID by one of the following relationships: 15729

(1) Spouse; 15730

(2) Natural parent, child, or sibling; 15731

(3) Adopted parent, child, or sibling; 15732

(4) Stepparent, stepchild, stepbrother, or stepsister; 15733

(5) Father-in-law, mother-in-law, son-in-law, 15734  
daughter-in-law, brother-in-law, or sister-in-law; 15735

(6) Grandparent or grandchild; 15736

(7) Foster caregiver, foster child, foster brother, or foster 15737  
sister. 15738

(TT)(1) "Renovation" means the following: 15739

(a) An ICF/IID's betterment, improvement, or restoration to 15740  
which both of the following apply: 15741

(i) It was started before July 1, 1993~~+~~. 15742

(ii) It meets the definition of "renovation" established in 15743  
rules that were adopted by the director of job and family services 15744  
and in effect on December 22, 1992. 15745

(b) An ICF/IID's betterment, improvement, or restoration to 15746  
which both of the following apply: 15747

(i) It was started on or after July 1, 1993~~+~~. 15748

(ii) It betters, improves, or restores the ICF/IID beyond its 15749  
current functional capacity through a structural change that costs 15750  
at least five hundred dollars per bed. 15751

(2) A renovation started on or after July 1, 1993, may 15752  
include both of the following: 15753

(a) A betterment, improvement, restoration, or replacement of 15754  
assets that are affixed to a building and have a useful life of at 15755  
least five years; 15756

(b) Costs that otherwise would be considered maintenance and 15757  
repair expenses if they are an integral part of the structural 15758  
change that makes up the renovation project. 15759

(3) "Renovation" does not mean construction of additional 15760  
space for beds that will be added to an ICF/IID's licensed 15761  
capacity or medicaid-certified capacity. 15762

(UU) "Residential facility" has the same meaning as in 15763  
section 5123.19 of the Revised Code. 15764

(VV) "Sponsor" means an adult relative, friend, or guardian 15765  
of an ICF/IID resident who has an interest or responsibility in 15766  
the resident's welfare. 15767

(WW) "Title XIX" means Title XIX of the "Social Security 15768  
Act," 42 U.S.C. 1396, et seq. 15769

(XX) "Title XVIII" means Title XVIII of the "Social Security 15770  
Act," 42 U.S.C. 1395, et seq. 15771

(YY) "Voluntary termination" means an operator's voluntary 15772  
election to terminate the participation of an ICF/IID in the 15773  
medicaid program but to continue to provide service of the type 15774  
provided by a residential facility as defined in section 5123.19 15775  
of the Revised Code. 15776

**Sec. 5124.106. (A)** If an ICF/IID provider required by section 15777

5124.10 of the Revised Code to file a cost report for the ICF/IID 15778  
fails to file the cost report by the date it is due or the date, 15779  
if any, to which the due date is extended pursuant to division (E) 15780  
of that section, or files an incomplete or inadequate report for 15781  
the ICF/IID under that section, the department of developmental 15782  
disabilities shall ~~provide immediate~~ do both of the following: 15783

(1) Give written notice to the provider that the provider 15785  
agreement for the ICF/IID will be terminated in thirty days unless 15786  
the provider submits a complete and adequate cost report for the 15787  
ICF/IID within thirty days. ~~During the thirty day termination~~ 15788  
~~period or any additional time allowed for an appeal of the~~ 15789  
~~proposed termination of a provider agreement, the provider shall~~ 15790  
~~be paid the ICF/IID's then current per medicaid day payment rate,~~ 15791  
~~minus the dollar amount by which ICFs/IID's per medicaid day~~ 15792  
~~payment rates are reduced during fiscal year 2013 in accordance~~ 15793  
~~with division (A)(2) of section 5111.26 of the Revised Code~~ 15794  
~~(renumbered as section 5165.10 of the Revised Code by H.B. 59 of~~ 15795  
~~the 130th general assembly) as that section existed on the day~~ 15796  
~~immediately preceding the effective date of this section. On the~~ 15797  
~~first day of each July, the department shall adjust the amount of~~ 15798  
~~the reduction in effect during the previous twelve months to~~ 15799  
~~reflect the rate of inflation during the preceding twelve months;~~ 15800

(2) Reduce the per medicaid day payment rate for the 15801  
provider's ICF/IID by the amount specified in division (B) of this 15802  
section for the period of time specified in division (C) of this 15803  
section. 15804

(B) For the purpose of division (A)(2) of this section, an 15805  
ICF/IID's per medicaid day payment rate shall be reduced by the 15806  
following amount: 15807

(1) In the case of a reduction made during the period 15808

beginning on the effective date of this amendment and ending on 15809  
the first day of the first fiscal year beginning after the 15810  
effective date of this amendment, two dollars; 15811

(2) In the case of a reduction made during the first fiscal 15812  
year beginning after the effective date of this amendment and each 15813  
fiscal year thereafter, the amount of the reduction in effect on 15814  
the last day of the fiscal year immediately preceding the fiscal 15815  
year in which the reduction is made adjusted by the rate of 15816  
inflation during that immediately preceding fiscal year, as shown 15817  
in the consumer price index for all items for all urban consumers 15818  
for the midwest region, published by the United States bureau of 15819  
labor statistics. 15820

(C) The period of time that an ICF/IID's per medicaid day 15821  
payment rate is reduced under this section shall begin and end as 15822  
follows: 15823

(1) The period shall begin on the following date: 15824

(a) The day immediately following the date the cost report is 15825  
due or to which the due date is extended, as applicable, if the 15826  
reduction is made because the provider fails to file a cost report 15827  
by that date; 15828

(b) The day the department gives the provider written notice 15829  
under division (A)(1) of this section of the proposed provider 15830  
agreement termination, if the reduction is made because the 15831  
provider files an incomplete or inadequate cost report. 15832

(2) The period shall end on the last day of the thirty-day 15833  
period specified in the notice given under division (A)(1) of this 15834  
section or any additional period allowed for an appeal of the 15835  
proposed provider agreement termination. 15836

**Sec. 5124.21.** (A) For each fiscal year, the department of 15837  
developmental disabilities shall determine each ICF/IID's per 15838



medicaid day payment rate for indirect care costs. Except as 15839  
otherwise provided in this chapter, an ICF/IID's rate shall be 15840  
determined prospectively. Subject to section 5124.28 of the 15841  
Revised Code, an ICF/IID's rate shall be the lesser of the 15842  
individual rate determined under division (B) of this section and 15843  
the maximum rate determined for the ICF/IID's peer group under 15844  
division (C) of this section. 15845

(B) An ICF/IID's individual rate is the sum of the following: 15846

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 15847  
indirect care costs from the calendar year immediately preceding 15848  
the fiscal year in which the rate will be paid, adjusted for the 15849  
inflation rate estimated under division ~~(D)~~(E)(1) of this section; 15850

~~(2) If the ICF/IID has more than eight beds~~ Subject to 15851  
division (D) of this section, an efficiency incentive ~~in the~~ 15852  
~~following amount:~~ 15853

~~(a) For fiscal year 2014, seven and one tenth per cent of the~~ 15854  
~~maximum rate established for the ICF/IID's peer group under~~ 15855  
~~division (C) of this section;~~ 15856

~~(b) For fiscal year 2015, the following amount:~~ 15857

~~(i) The amount calculated for fiscal year 2014 under division~~ 15858  
~~(B)(2)(a) of this section if the provider of the ICF/IID obtains~~ 15859  
~~the department's approval to become a downsized ICF/IID and the~~ 15860  
~~approval is conditioned on the downsizing being completed not~~ 15861  
~~later than July 1, 2018;~~ 15862

~~(ii) One half of the amount calculated for fiscal year 2014~~ 15863  
~~under division (B)(2)(a) of this section if division (B)(2)(b)(i)~~ 15864  
~~of this section does not apply to the ICF/IID~~ equal to the 15865  
difference between the amount of the per diem indirect care costs 15866  
determined for the ICF/IID under division (B)(1) of this section 15867  
for the fiscal year in which the rate will be paid and the maximum 15868  
rate established for the ICF/IID's peer group under division (C) 15869

of this section for that fiscal year. 15870

~~(c) For fiscal year 2016 and each fiscal year thereafter~~ 15871  
~~ending in an even numbered calendar year, the following~~ 15872  
~~percentages of the maximum rate established for the ICF/IID's peer~~ 15873  
~~group under division (C) of this section:~~ 15874

~~(i) Seven and one tenth per cent if the provider of the~~ 15875  
~~ICF/IID obtains the department's approval to become a downsized~~ 15876  
~~ICF/IID and the approval is conditioned on the downsizing being~~ 15877  
~~completed not later than July 1, 2018;~~ 15878

~~(ii) Three and fifty five hundredths per cent if division~~ 15879  
~~(B)(2)(c)(i) of this section does not apply to the ICF/IID.~~ 15880

~~(d) For fiscal year 2017 and each fiscal year thereafter~~ 15881  
~~ending in an odd numbered calendar year, the amount calculated for~~ 15882  
~~the immediately preceding fiscal year under division (B)(2)(c) of~~ 15883  
~~this section.~~ 15884

~~(3) If the ICF/IID has eight or fewer beds, an efficiency~~ 15885  
~~incentive in the following amount:~~ 15886

~~(a) For each fiscal year ending in an even numbered calendar~~ 15887  
~~year, seven per cent of the maximum rate established for the~~ 15888  
~~ICF/IID's peer group under division (C) of this section;~~ 15889

~~(b) For each fiscal year ending in an odd numbered calendar~~ 15890  
~~year, the amount calculated for the immediately preceding fiscal~~ 15891  
~~year under division (B)(3)(a) of this section.~~ 15892

(C)(1) The maximum rate for indirect care costs for each peer 15893  
group of ICFs/IID with more than eight beds shall be determined as 15894  
follows: 15895

(a) For each fiscal year ending in an even-numbered calendar 15896  
year, the maximum rate for each such peer group shall be the rate 15897  
that is no less than twelve and four-tenths per cent above the 15898  
median desk-reviewed, actual, allowable, per diem indirect care 15899

cost for all ICFs/IID in the peer group (excluding ICFs/IID in the peer group whose indirect care costs for that period are more than three standard deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID with more than eight beds) for the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted by the inflation rate estimated under division ~~(D)~~(E)(1) of this section.

(b) For each fiscal year ending in an odd-numbered calendar year, the maximum rate for each such peer group is the peer group's maximum rate for the previous fiscal year, adjusted for the inflation rate estimated under division ~~(D)~~(E)(2) of this section.

(2) The maximum rate for indirect care costs for each peer group of ICFs/IID with eight or fewer beds shall be determined as follows:

(a) For each fiscal year ending in an even-numbered calendar year, the maximum rate for each such peer group shall be the rate that is no less than ten and three-tenths per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in the peer group (excluding ICFs/IID in the peer group whose indirect care costs are more than three standard deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID with eight or fewer beds) for the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted by the inflation rate estimated under division ~~(D)~~(E)(1) of this section.

(b) For each fiscal year ending in an odd-numbered calendar year, the maximum rate for each such peer group is the peer group's maximum rate for the previous fiscal year, adjusted for the inflation rate estimated under division ~~(D)~~(E)(2) of this section.

(3) The department shall not redetermine a maximum rate for indirect care costs under division (C)(1) or (2) of this section based on additional information that it receives after the maximum rate is set. The department shall redetermine the maximum rate for indirect care costs only if it made an error in computing the maximum rate based on the information available to the department at the time of the original calculation.

(D)(1) The efficiency incentive for an ICF/IID with more than eight beds shall not exceed the following:

(a) For fiscal year 2014, seven and one-tenth per cent of the maximum rate established for the ICF/IID's peer group under division (C) of this section;

(b) For fiscal year 2015, the following amount:

(i) The amount calculated for fiscal year 2014 under division (D)(1)(a) of this section if the provider of the ICF/IID obtains the department's approval to become a downsized ICF/IID and the approval is conditioned on the downsizing being completed not later than July 1, 2018;

(ii) One-half of the amount calculated for fiscal year 2014 under division (D)(1)(a) of this section if division (D)(1)(b)(i) of this section does not apply to the ICF/IID.

(c) For fiscal year 2016 and each fiscal year thereafter ending in an even-numbered calendar year, the following percentages of the maximum rate established for the ICF/IID's peer group under division (C) of this section:

(i) Seven and one-tenth per cent if the provider of the ICF/IID obtains the department's approval to become a downsized ICF/IID and the approval is conditioned on the downsizing being completed not later than July 1, 2018;

(ii) Three and fifty-five hundredths per cent if division

(D)(1)(c)(i) of this section does not apply to the ICF/IID. 15961

(d) For fiscal year 2017 and each fiscal year thereafter 15962  
ending in an odd-numbered calendar year, the amount calculated for 15963  
the immediately preceding fiscal year under division (D)(1)(c) of 15964  
this section. 15965

(2) The efficiency incentive for an ICF/IID with eight or 15966  
fewer beds shall not exceed the following: 15967

(a) For each fiscal year ending in an even-numbered calendar 15968  
year, seven per cent of the maximum rate established for the 15969  
ICF/IID's peer group under division (C) of this section; 15970

(b) For each fiscal year ending in an odd-numbered calendar 15971  
year, the amount calculated for the immediately preceding fiscal 15972  
year under division (D)(2)(a) of this section. 15973

(E)(1) When adjusting rates for inflation under divisions 15974  
(B)(1), (C)(1)(a), and (C)(2)(a) of this section, the department 15975  
shall estimate the rate of inflation for the eighteen-month period 15976  
beginning on the first day of July of the calendar year 15977  
immediately preceding the fiscal year in which the rate will be 15978  
paid and ending on the thirty-first day of December of the fiscal 15979  
year in which the rate will be paid. To estimate the rate of 15980  
inflation, the department shall use the following: 15981

(a) Subject to division ~~(D)~~(E)(1)(b) of this section, the 15982  
consumer price index for all items for all urban consumers for the 15983  
midwest region, published by the United States bureau of labor 15984  
statistics; 15985

(b) If the United States bureau of labor statistics ceases to 15986  
publish the index specified in division ~~(D)~~(E)(1)(a) of this 15987  
section, a comparable index that the bureau publishes and the 15988  
department determines is appropriate. 15989

(2) When adjusting rates for inflation under divisions 15990

(C)(1)(b) and (C)(2)(b) of this section, the department shall 15991  
estimate the rate of inflation for the twelve-month period 15992  
beginning on the first day of January of the fiscal year 15993  
immediately preceding the fiscal year in which the rate will be 15994  
paid and ending on the thirty-first day of December of the fiscal 15995  
year in which the rate will be paid. To estimate the rate of 15996  
inflation, the department shall use the following: 15997

(a) Subject to division ~~(D)~~(E)(2)(b) of this section, the 15998  
consumer price index for all items for all urban consumers for the 15999  
midwest region, published by the United States bureau of labor 16000  
statistics; 16001

(b) If the United States bureau of labor statistics ceases to 16002  
publish the index specified in division ~~(D)~~(E)(2)(a) of this 16003  
section, a comparable index that the bureau publishes and the 16004  
department determines is appropriate. 16005

(3) If an inflation rate estimated under division ~~(D)~~(E)(1) 16006  
or (2) of this section is different from the actual inflation rate 16007  
for the relevant time period, as measured using the same index, 16008  
the difference shall be added to or subtracted from the inflation 16009  
rate estimated pursuant to this division for the following fiscal 16010  
year. 16011

~~(E)~~(F) The director of developmental disabilities shall adopt 16012  
rules under section 5124.03 of the Revised Code that specify peer 16013  
groups of ICFs/IID with more than eight beds and peer groups of 16014  
ICFs/IID with eight or fewer beds, based on findings of 16015  
significant per diem indirect care cost differences due to 16016  
geography and bed-size. The rules also may specify peer groups 16017  
based on findings of significant per diem indirect care cost 16018  
differences due to other factors, including case-mix. 16019

**Sec. 5124.60.** (A) For the purpose of increasing the number of 16020  
slots available for home and community-based services ~~and subject~~ 16021

~~to sections 5124.63 and 5124.64 of the Revised Code, the operator~~ 16022  
of an ICF/IID may convert some or all of the beds in the ICF/IID 16023  
from providing ICF/IID services to providing home and 16024  
community-based services if all of the following requirements are 16025  
met: 16026

(1) The operator provides the directors of health and 16027  
developmental disabilities at least ninety days' notice of the 16028  
operator's intent to make the conversion. 16029

(2) The operator complies with the requirements of sections 16030  
5124.50 to 5124.53 of the Revised Code regarding a voluntary 16031  
termination if those requirements are applicable. 16032

(3) If the operator intends to convert all of the ICF/IID's 16033  
beds, the operator notifies each of the ICF/IID's residents that 16034  
the ICF/IID is to cease providing ICF/IID services and inform each 16035  
resident that the resident may do either of the following: 16036

(a) Continue to receive ICF/IID services by transferring to 16037  
another ICF/IID that is willing and able to accept the resident if 16038  
the resident continues to qualify for ICF/IID services; 16039

(b) Begin to receive home and community-based services 16040  
instead of ICF/IID services from any provider of home and 16041  
community-based services that is willing and able to provide the 16042  
services to the resident if the resident is eligible for the 16043  
services and a slot for the services is available to the resident. 16044

(4) If the operator intends to convert some but not all of 16045  
the ICF/IID's beds, the operator notifies each of the ICF/IID's 16046  
residents that the ICF/IID is to convert some of its beds from 16047  
providing ICF/IID services to providing home and community-based 16048  
services and inform each resident that the resident may do either 16049  
of the following: 16050

(a) Continue to receive ICF/IID services from any ICF/IID 16051

that is willing and able to provide the services to the resident 16052  
if the resident continues to qualify for ICF/IID services; 16053

(b) Begin to receive home and community-based services 16054  
instead of ICF/IID services from any provider of home and 16055  
community-based services that is willing and able to provide the 16056  
services to the resident if the resident is eligible for the 16057  
services and a slot for the services is available to the resident. 16058

(5) The operator meets the requirements for providing home 16059  
and community-based services, including the following: 16060

(a) Such requirements applicable to a residential facility if 16061  
the operator maintains the facility's license as a residential 16062  
facility; 16063

(b) Such requirements applicable to a facility that is not 16064  
licensed as a residential facility if the operator surrenders the 16065  
facility's license as a residential facility under section 5123.19 16066  
of the Revised Code. 16067

(6) The director of developmental disabilities approves the 16068  
conversion. 16069

(B) A decision by the director of developmental disabilities 16070  
to approve or refuse to approve a proposed conversion of beds is 16071  
final. In making a decision, the director shall consider all of 16072  
the following: 16073

(1) The fiscal impact on the ICF/IID if some but not all of 16074  
the beds are converted; 16075

(2) The fiscal impact on the medicaid program; 16076

(3) The availability of home and community-based services. 16077

(C) The notice provided to the directors under division 16078  
(A)(1) of this section shall specify whether some or all of the 16079  
ICF/IID's beds are to be converted. If some but not all of the 16080  
beds are to be converted, the notice shall specify how many of the 16081



ICF/IID's beds are to be converted and how many of the beds are to  
continue to provide ICF/IID services. The notice to the director  
of developmental disabilities shall specify whether the operator  
wishes to surrender the ICF/IID's license as a residential  
facility under section 5123.19 of the Revised Code.

(D)(1) If the director of developmental disabilities approves  
a conversion under division (B) of this section, the director of  
health shall do the following:

(a) Terminate the ICF/IID's medicaid certification if the  
notice specifies that all of the ICF/IID's beds are to be  
converted;

(b) Reduce the ICF/IID's medicaid-certified capacity by the  
number of beds being converted if the notice specifies that some  
but not all of the beds are to be converted.

(2) The director of health shall notify the medicaid director  
of the termination or reduction. On receipt of the notice, the  
medicaid director shall do the following:

(a) Terminate the operator's medicaid provider agreement that  
authorizes the operator to provide ICF/IID services at the ICF/IID  
if the ICF/IID's certification was terminated;

(b) Amend the operator's medicaid provider agreement to  
reflect the ICF/IID's reduced medicaid-certified capacity if the  
ICF/IID's medicaid-certified capacity is reduced.

(3) In the case of action taken under division (D)(2)(a) of  
this section, the operator is not entitled to notice or a hearing  
under Chapter 119. of the Revised Code before the medicaid  
director terminates the medicaid provider agreement.

**Sec. 5124.61.** (A) For the purpose of increasing the number of  
slots available for home and community-based services ~~and subject~~  
~~to sections 5124.63 and 5124.64 of the Revised Code~~, a person who

acquires, through a request for proposals issued by the director 16112  
of developmental disabilities, an ICF/IID for which a residential 16113  
facility license was previously surrendered or revoked may convert 16114  
some or all of the ICF/IID's beds from providing ICF/IID services 16115  
to providing home and community-based services if all of the 16116  
following requirements are met: 16117

(1) The person provides the directors of health and 16118  
developmental disabilities and medicaid director at least ninety 16119  
days' notice of the person's intent to make the conversion. 16120

(2) The person complies with the requirements of sections 16121  
5124.50 to 5124.53 of the Revised Code regarding a voluntary 16122  
termination if those requirements are applicable. 16123

(3) If the person intends to convert all of the ICF/IID's 16124  
beds, the person notifies each of the ICF/IID's residents that the 16125  
ICF/IID is to cease providing ICF/IID services and informs each 16126  
resident that the resident may do either of the following: 16127

(a) Continue to receive ICF/IID services by transferring to 16128  
another ICF/IID willing and able to accept the resident if the 16129  
resident continues to qualify for ICF/IID services; 16130

(b) Begin to receive home and community-based services 16131  
instead of ICF/IID services from any provider of home and 16132  
community-based services that is willing and able to provide the 16133  
services to the resident if the resident is eligible for the 16134  
services and a slot for the services is available to the resident. 16135

(4) If the person intends to convert some but not all of the 16136  
ICF/IID's beds, the person notifies each of the ICF/IID's 16137  
residents that the ICF/IID is to convert some of its beds from 16138  
providing ICF/IID services to providing home and community-based 16139  
services and inform each resident that the resident may do either 16140  
of the following: 16141

(a) Continue to receive ICF/IID services from any that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/IID services;

(b) Begin to receive home and community-based services instead of ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(5) The person meets the requirements for providing home and community-based services at a residential facility.

(B) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the ICF/IID's beds are to be converted. If some but not all of the beds are to be converted, the notice shall specify how many of the ICF/IID's beds are to be converted and how many of the beds are to continue to provide ICF/IID services.

(C) On receipt of a notice under division (A)(1) of this section, the director of health shall do the following:

(1) Terminate the ICF/IID's medicaid certification if the notice specifies that all of the facility's beds are to be converted;

(2) Reduce the ICF/IID's medicaid-certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted.

(D) The director of health shall notify the medicaid director of the termination or reduction under division (C) of this section. On receipt of the director of health's notice, the medicaid director shall do the following:

(1) Terminate the person's medicaid provider agreement that authorizes the person to provide ICF/IID services at the ICF/IID

if the ICF/IID's medicaid certification was terminated; 16172

(2) Amend the person's medicaid provider agreement to reflect 16173  
the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's 16174  
medicaid-certified capacity is reduced. 16175

The person is not entitled to notice or a hearing under 16176  
Chapter 119. of the Revised Code before the medicaid director 16177  
terminates or amends the medicaid provider agreement. 16178

~~Sec. 5124.62. Subject to section 5124.63 of the Revised Code,~~ 16179  
~~the~~ The director of developmental disabilities may request that 16180  
the medicaid director seek the approval of the United States 16181  
secretary of health and human services to increase the number of 16182  
slots available for home and community-based services by a number 16183  
not exceeding the number of beds that were part of the licensed 16184  
capacity of a residential facility that had its license revoked or 16185  
surrendered under section 5123.19 of the Revised Code if the 16186  
residential facility was an ICF/IID at the time of the license 16187  
revocation or surrender. ~~The revocation or surrender may have~~ 16188  
~~occurred before, or may occur on or after, June 24, 2008.~~ The 16189  
request may include beds the director of developmental 16190  
disabilities removed from such a residential facility's licensed 16191  
capacity before transferring ownership or operation of the 16192  
residential facility pursuant to a request for proposals. 16193

**Sec. 5124.67.** (A)(1) The department of developmental 16194  
disabilities shall strive to achieve, not later than July 1, 2018, 16195  
the following statewide reductions in ICF/IID beds: 16196

~~(1)~~(a) At least five hundred ~~and not more than six hundred~~ 16197  
beds in ICFs/IID that, before becoming downsized ICFs/IID, have 16198  
sixteen or more beds; 16199

~~(2)~~(b) At least five hundred ~~and not more than six hundred~~ 16200  
beds in ICFs/IID with any number of beds that convert some or all 16201

of their beds from providing ICF/IID services to providing home 16202  
and community-based services pursuant to section 5124.60 or 16203  
5124.61 of the Revised Code. 16204

(2) The department shall strive to achieve a reduction of at 16205  
least one thousand two hundred ICF/IID beds through a combination 16206  
of the methods specified in divisions (A)(1)(a) and (b) of this 16207  
section. 16208

(B) In its efforts to achieve the reductions under division 16209  
(A) of this section, the department shall collaborate with the 16210  
Ohio association of county boards serving people with 16211  
developmental disabilities, the Ohio provider resource 16212  
association, the Ohio centers for intellectual disabilities formed 16213  
by the Ohio health care association, and the values and faith 16214  
alliance. The collaboration efforts may include the following: 16215

(1) Identifying ICFs/IID that may reduce the number of their 16216  
beds to help achieve the reductions under division (A) of this 16217  
section; 16218

(2) Encouraging ICF/IID providers to reduce the number of 16219  
their ICFs/IID's beds; 16220

(3) Establishing interim time frames for making progress in 16221  
achieving the reductions; 16222

(4) Creating incentives for, and removing impediments to, the 16223  
reductions; 16224

(5) In the case of ICF/IID beds that are converted to 16225  
providing home and community-based services, developing a 16226  
mechanism to compensate providers for beds that permanently cease 16227  
to provide ICF/IID services. 16228

(C) The department shall meet not less than twice each year 16229  
with the organizations specified in division (B) of this section 16230  
to do all of the following: 16231

(1) Review the progress being made in achieving the reductions under division (A) of this section;	16232 16233
(2) Prepare written reports on the progress;	16234
(3) Identify additional measures needed to achieve the reductions.	16235 16236
<b>Sec. 5126.01.</b> As used in this chapter:	16237
(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code.	16238 16239 16240 16241 16242 16243
(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.	16244 16245 16246 16247 16248 16249 16250
(2) "Adult services" includes all of the following:	16251
(a) Adult day habilitation services;	16252
(b) <del>Adult day care;</del>	16253
<del>(c) Prevocational <u>Employment</u> services;</del>	16254
<del>(d) Sheltered employment;</del>	16255
<del>(e)</del> (c) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid	16256 16257 16258 16259 16260

work experience in the community, volunteer activities, and 16261  
spectator sports; 16262

~~(f) Community employment services and supported employment 16263  
services. 16264~~

(B)(1) "Adult day habilitation services" means adult services 16265  
that do the following: 16266

(a) Provide access to and participation in typical activities 16267  
and functions of community life that are desired and chosen by the 16268  
general population, including such activities and functions as 16269  
opportunities to experience and participate in community 16270  
exploration, companionship with friends and peers, leisure 16271  
activities, hobbies, maintaining family contacts, community 16272  
events, and activities where individuals without disabilities are 16273  
involved; 16274

(b) Provide supports or a combination of training and 16275  
supports that afford an individual a wide variety of opportunities 16276  
to facilitate and build relationships and social supports in the 16277  
community. 16278

(2) "Adult day habilitation services" includes all of the 16279  
following: 16280

(a) Personal care services needed to ensure an individual's 16281  
ability to experience and participate in vocational services, 16282  
educational services, community activities, and any other adult 16283  
day habilitation services; 16284

(b) Skilled services provided while receiving adult day 16285  
habilitation services, including such skilled services as behavior 16286  
management intervention, occupational therapy, speech and language 16287  
therapy, physical therapy, and nursing services; 16288

~~(c) Training and education in self-determination designed to 16289  
help the individual do one or more of the following: develop 16290~~

~~self-advocacy skills, exercise the individual's civil rights, 16291  
acquire skills that enable the individual to exercise control and 16292  
responsibility over the services received, and acquire skills that 16293  
enable the individual to become more independent, integrated, or 16294  
productive in the community; 16295~~

~~(d)~~ Recreational and leisure activities identified in the 16296  
individual's service plan as therapeutic in nature or assistive in 16297  
developing or maintaining social supports; 16298

~~(e)~~(d) Counseling and assistance provided to obtain housing, 16299  
including such counseling as identifying options for either rental 16300  
or purchase, identifying financial resources, assessing needs for 16301  
environmental modifications, locating housing, and planning for 16302  
ongoing management and maintenance of the housing selected; 16303

~~(f)~~(e) Transportation necessary to access adult day 16304  
habilitation services; 16305

~~(g)~~(f) Habilitation management, as described in section 16306  
5126.14 of the Revised Code. 16307

(3) "Adult day habilitation services" does not include 16308  
activities that are components of the provision of residential 16309  
services, family support services, or supported living services. 16310

(C) "Appointing authority" means the following: 16311

(1) In the case of a member of a county board of 16312  
developmental disabilities appointed by, or to be appointed by, a 16313  
board of county commissioners, the board of county commissioners; 16314

(2) In the case of a member of a county board appointed by, 16315  
or to be appointed by, a senior probate judge, the senior probate 16316  
judge. 16317

(D) "Community employment," "competitive employment," and 16318  
"integrated setting" have the same meanings as in section 5123.022 16319  
of the Revised Code. 16320



(E) "Supported employment services" means vocational assessment, job training and coaching, job development and placement, worksite accessibility, and other services related to employment outside a sheltered workshop. "Supported employment services" includes both of the following:

(1) Job training resulting in the attainment of community employment, supported work in a typical work environment, or self-employment;

(2) Support for ongoing community employment, supported work at community-based sites, or self-employment.

(F) As used in this division, ~~"substantial functional limitation," "developmental delay," and "established risk"~~ have has the ~~meanings~~ meaning established pursuant to section 5123.011 of the Revised Code.

"Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code;

(2) It is manifested before age twenty-two;

(3) It is likely to continue indefinitely;

(4) It results in one of the following:

(a) In the case of a person under age three, at least one developmental delay or ~~an established risk~~ a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay;

(b) In the case of a person at least age three but under age six, at least two developmental delays ~~or an established risk;~~

(c) In the case of a person age six or older, a substantial

functional limitation in at least three of the following areas of 16351  
major life activity, as appropriate for the person's age: 16352  
self-care, receptive and expressive language, learning, mobility, 16353  
self-direction, capacity for independent living, and, if the 16354  
person is at least age sixteen, capacity for economic 16355  
self-sufficiency. 16356

(5) It causes the person to need a combination and sequence 16357  
of special, interdisciplinary, or other type of care, treatment, 16358  
or provision of services for an extended period of time that is 16359  
individually planned and coordinated for the person. 16360

(G) "Early childhood services" means a planned program of 16361  
habilitation designed to meet the needs of individuals with mental 16362  
retardation or other developmental disabilities who have not 16363  
attained compulsory school age. 16364

(H) "Employment services" means prevocational services or 16365  
supported employment services. 16366

(I)(1) "Environmental modifications" means the physical 16367  
adaptations to an individual's home, specified in the individual's 16368  
service plan, that are necessary to ensure the individual's 16369  
health, safety, and welfare or that enable the individual to 16370  
function with greater independence in the home, and without which 16371  
the individual would require institutionalization. 16372

(2) "Environmental modifications" includes such adaptations 16373  
as installation of ramps and grab-bars, widening of doorways, 16374  
modification of bathroom facilities, and installation of 16375  
specialized electric and plumbing systems necessary to accommodate 16376  
the individual's medical equipment and supplies. 16377

(3) "Environmental modifications" does not include physical 16378  
adaptations or improvements to the home that are of general 16379  
utility or not of direct medical or remedial benefit to the 16380  
individual, including such adaptations or improvements as 16381

carpeting, roof repair, and central air conditioning. 16382

(J) "Family support services" means the services provided 16383  
under a family support services program operated under section 16384  
5126.11 of the Revised Code. 16385

(K) "Habilitation" means the process by which the staff of 16386  
the facility or agency assists an individual with mental 16387  
retardation or other developmental disability in acquiring and 16388  
maintaining those life skills that enable the individual to cope 16389  
more effectively with the demands of the individual's own person 16390  
and environment, and in raising the level of the individual's 16391  
personal, physical, mental, social, and vocational efficiency. 16392  
Habilitation includes, but is not limited to, programs of formal, 16393  
structured education and training. 16394

(L) "Home and community-based services" has the same meaning 16395  
as in section 5123.01 of the Revised Code. 16396

(M) "ICF/IID" has the same meaning as in section 5124.01 of 16397  
the Revised Code. 16398

(N) "Immediate family" means parents, grandparents, brothers, 16399  
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 16400  
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 16401  
daughters-in-law. 16402

(O) "Medicaid case management services" means case management 16403  
services provided to an individual with mental retardation or 16404  
other developmental disability that the state medicaid plan 16405  
requires. 16406

(P) "Mental retardation" means a mental impairment manifested 16407  
during the developmental period characterized by significantly 16408  
subaverage general intellectual functioning existing concurrently 16409  
with deficiencies in the effectiveness or degree with which an 16410  
individual meets the standards of personal independence and social 16411  
responsibility expected of the individual's age and cultural 16412

group. 16413

(Q) "Prevocational services" means services, ~~including~~ 16414  
~~services as a volunteer,~~ that provide learning and work 16415  
experiences, including volunteer work experiences, from which an 16416  
individual can develop general strengths and skills that are not 16417  
specific to a particular task or job but contribute to 16418  
employability in community employment, supported work at 16419  
community-based sites, or self-employment. 16420

(R) "Residential services" means services to individuals with 16421  
mental retardation or other developmental disabilities to provide 16422  
housing, food, clothing, habilitation, staff support, and related 16423  
support services necessary for the health, safety, and welfare of 16424  
the individuals and the advancement of their quality of life. 16425  
"Residential services" includes program management, as described 16426  
in section 5126.14 of the Revised Code. 16427

(S) "Resources" means available capital and other assets, 16428  
including moneys received from the federal, state, and local 16429  
governments, private grants, and donations; appropriately 16430  
qualified personnel; and appropriate capital facilities and 16431  
equipment. 16432

(T) "Senior probate judge" means the current probate judge of 16433  
a county who has served as probate judge of that county longer 16434  
than any of the other current probate judges of that county. If a 16435  
county has only one probate judge, "senior probate judge" means 16436  
that probate judge. 16437

(U) "Service and support administration" means the duties 16438  
performed by a service and support administrator pursuant to 16439  
section 5126.15 of the Revised Code. 16440

(V)(1) "Specialized medical, adaptive, and assistive 16441  
equipment, supplies, and supports" means equipment, supplies, and 16442  
supports that enable an individual to increase the ability to 16443

perform activities of daily living or to perceive, control, or  
communicate within the environment.

(2) "Specialized medical, adaptive, and assistive equipment,  
supplies, and supports" includes the following:

(a) Eating utensils, adaptive feeding dishes, plate guards,  
mylatex straps, hand splints, reaches, feeder seats, adjustable  
pointer sticks, interpreter services, telecommunication devices  
for the deaf, computerized communications boards, other  
communication devices, support animals, veterinary care for  
support animals, adaptive beds, supine boards, prone boards,  
wedges, sand bags, sidelayers, bolsters, adaptive electrical  
switches, hand-held shower heads, air conditioners, humidifiers,  
emergency response systems, folding shopping carts, vehicle lifts,  
vehicle hand controls, other adaptations of vehicles for  
accessibility, and repair of the equipment received.

(b) Nondisposable items not covered by medicaid that are  
intended to assist an individual in activities of daily living or  
instrumental activities of daily living.

(W) "Supportive home services" means a range of services to  
families of individuals with mental retardation or other  
developmental disabilities to develop and maintain increased  
acceptance and understanding of such persons, increased ability of  
family members to teach the person, better coordination between  
school and home, skills in performing specific therapeutic and  
management techniques, and ability to cope with specific  
situations.

(X)(1) "Supported living" means services provided for as long  
as twenty-four hours a day to an individual with mental  
retardation or other developmental disability through any public  
or private resources, including moneys from the individual, that  
enhance the individual's reputation in community life and advance

the individual's quality of life by doing the following: 16475

(a) Providing the support necessary to enable an individual 16476  
to live in a residence of the individual's choice, with any number 16477  
of individuals who are not disabled, or with not more than three 16478  
individuals with mental retardation and developmental disabilities 16479  
unless the individuals are related by blood or marriage; 16480

(b) Encouraging the individual's participation in the 16481  
community; 16482

(c) Promoting the individual's rights and autonomy; 16483

(d) Assisting the individual in acquiring, retaining, and 16484  
improving the skills and competence necessary to live successfully 16485  
in the individual's residence. 16486

(2) "Supported living" includes the provision of all of the 16487  
following: 16488

(a) Housing, food, clothing, habilitation, staff support, 16489  
professional services, and any related support services necessary 16490  
to ensure the health, safety, and welfare of the individual 16491  
receiving the services; 16492

(b) A combination of lifelong or extended-duration 16493  
supervision, training, and other services essential to daily 16494  
living, including assessment and evaluation and assistance with 16495  
the cost of training materials, transportation, fees, and 16496  
supplies; 16497

(c) Personal care services and homemaker services; 16498

(d) Household maintenance that does not include modifications 16499  
to the physical structure of the residence; 16500

(e) Respite care services; 16501

(f) Program management, as described in section 5126.14 of 16502  
the Revised Code. 16503

Sec. 5126.0219. (A) Each county board of developmental 16504  
disabilities shall either employ a superintendent or obtain the 16505  
services of the superintendent of another county board of 16506  
developmental disabilities. The board shall provide for a 16507  
superintendent who is qualified, as specified in rules adopted by 16508  
the department of developmental disabilities in accordance with 16509  
Chapter 119. of the Revised Code. The superintendent shall have no 16510  
voting privileges on the board. 16511

If the superintendent position becomes vacant, the county 16512  
board first shall consider entering into an agreement with another 16513  
county board for the sharing of a superintendent under division 16514  
(B) of this section. If the county board determines there are no 16515  
significant efficiencies or it is impractical to share a 16516  
superintendent, the county board may employ a superintendent in 16517  
accordance with this section to fill the vacancy. 16518

The board shall prescribe the duties of its superintendent 16519  
and review the superintendent's performance. The superintendent 16520  
may be removed, suspended, or demoted for cause pursuant to 16521  
section 5126.23 of the Revised Code. The board shall fix the 16522  
superintendent's compensation and reimburse the superintendent for 16523  
actual and necessary expenses. 16524

Each county board that employs its own superintendent shall 16525  
employ the superintendent under a contract. To enter into a 16526  
contract, the board shall adopt a resolution agreeing to the 16527  
contract. Each contract for employment or re-employment of a 16528  
superintendent shall be for a term of not less than one and not 16529  
more than five years. At the expiration of a superintendent's 16530  
current term of employment, the superintendent may be re-employed. 16531  
If the board intends not to re-employ the superintendent, the 16532  
board shall give the superintendent written notification of its 16533  
intention. The notice shall be given not less than ninety days 16534

prior to the expiration of the superintendent's contract. 16535

(B) Two or more county boards may enter into an arrangement 16536  
under which the superintendent of one county board acts as the 16537  
superintendent of another county board. To enter into such an 16538  
arrangement, each board shall adopt a resolution agreeing to the 16539  
arrangement. The resolutions shall specify the duration of the 16540  
arrangement and the contribution each board is to make to the 16541  
superintendent's compensation and reimbursement for expenses. 16542

(C) If a vacancy occurs in the position of superintendent, a 16543  
county board may appoint a person who holds a valid 16544  
superintendent's certificate issued under the rules of the 16545  
department to work under a contract for an interim period not to 16546  
exceed one hundred eighty days until a permanent superintendent 16547  
can be employed or arranged for under division (A) or (B) of this 16548  
section. The director of the department may approve additional 16549  
periods of time for these types of interim appointments when so 16550  
requested by a resolution adopted by a county board, if the 16551  
director determines that the additional periods are warranted and 16552  
the services of a permanent superintendent are not available. 16553

**Sec. 5126.041.** (A) As used in this section: 16554

(1) ~~"Biological risk" and "environmental risk" have the 16555  
meanings established pursuant to section 5123.011 of the Revised 16556  
Code.~~ 16557

~~(2)~~ "Preschool child with a disability" has the same meaning 16558  
as in section 3323.01 of the Revised Code. 16559

~~(3)~~(2) "State institution" means all or part of an 16560  
institution under the control of the department of developmental 16561  
disabilities pursuant to section 5123.03 of the Revised Code and 16562  
maintained for the care, treatment, and training of the mentally 16563  
retarded. 16564



(B) Except as provided in division (C) of this section, each county board of developmental disabilities shall make eligibility determinations in accordance with the definition of "developmental disability" in section 5126.01 of the Revised Code. Pursuant to rules ~~the department of developmental disabilities shall adopt in accordance with Chapter 119.~~ adopted under section 5123.012 of the Revised Code, a county board may establish eligibility for programs and services for ~~either of the following:~~

~~(1) Individuals under age six who have a biological risk or environmental risk of a developmental delay;~~

~~(2) Any any~~ preschool child with a disability eligible for services under section 3323.02 of the Revised Code whose disability is not attributable solely to mental illness as defined in section 5122.01 of the Revised Code.

(C)(1) A county board shall make determinations of eligibility for service and support administration in accordance with rules adopted under section 5126.08 of the Revised Code.

(2) All persons who were eligible for services and enrolled in programs offered by a county board of developmental disabilities pursuant to this chapter on July 1, 1991, shall continue to be eligible for those services and to be enrolled in those programs as long as they are in need of services.

(3) A person who resided in a state institution on or before October 29, 1993, is eligible for programs and services offered by a county board of developmental disabilities, unless the person is determined by the county board not to be in need of those programs and services.

(D) A county board shall refer a person who requests but is not eligible for programs and services offered by the board to other entities of state and local government or appropriate private entities that provide services.

(E) Membership of a person on, or employment of a person by, 16596  
a county board of developmental disabilities does not affect the 16597  
eligibility of any member of that person's family for services 16598  
provided by the board or by any entity under contract with the 16599  
board. 16600

**Sec. 5126.046.** (A) Except as otherwise provided by 42 C.F.R. 16601  
431.51, an individual with mental retardation or other 16602  
developmental disability who is eligible for home and 16603  
community-based services has the right to obtain the services from 16604  
any provider of the services that is qualified to furnish the 16605  
services and is willing to furnish the services to the individual. 16606  
A county board of developmental disabilities that has medicaid 16607  
local administrative authority under division (A) of section 16608  
5126.055 of the Revised Code for home and community-based services 16609  
and refuses to permit an individual to obtain home and 16610  
community-based services from a qualified and willing provider 16611  
shall provide the individual timely notice that the individual may 16612  
~~request a hearing~~ appeal under section ~~5101.35~~ 5160.31 of the 16613  
Revised Code. 16614

(B) An individual with mental retardation or other 16615  
developmental disability who is eligible for nonmedicaid 16616  
residential services or nonmedicaid supported living has the right 16617  
to obtain the services from any provider of the residential 16618  
services or supported living that is qualified to furnish the 16619  
residential services or supported living and is willing to furnish 16620  
the residential services or supported living to the individual. 16621

(C) The department of developmental disabilities shall make 16622  
available to the public on its internet web site an up-to-date 16623  
list of all providers of home and community-based services, 16624  
nonmedicaid residential services, and nonmedicaid supported 16625  
living. County boards shall assist individuals with mental 16626

retardation or other developmental disabilities and the families 16627  
of such individuals access the list on the department's internet 16628  
web site. 16629

(D) The director of developmental disabilities shall adopt 16630  
rules in accordance with Chapter 119. of the Revised Code 16631  
governing the implementation of this section. The rules shall 16632  
include procedures for individuals to choose their providers. ~~The~~ 16633  
~~rules shall not be limited by a provider selection system~~ 16634  
~~established under section 5126.42 of the Revised Code, including~~ 16635  
~~any pool of providers created pursuant to a provider selection~~ 16636  
~~system.~~ 16637

**Sec. 5126.051.** (A) To the extent that resources are 16638  
available, a county board of developmental disabilities shall 16639  
provide for or arrange residential services and supported living 16640  
for individuals with mental retardation and developmental 16641  
disabilities. 16642

A county board may acquire, convey, lease, or sell property 16643  
for residential services and supported living and enter into loan 16644  
agreements, including mortgages, for the acquisition of such 16645  
property. A county board is not required to comply with provisions 16646  
of Chapter 307. of the Revised Code providing for competitive 16647  
bidding or sheriff sales in the acquisition, lease, conveyance, or 16648  
sale of property under this division, but the acquisition, lease, 16649  
conveyance, or sale must be at fair market value determined by 16650  
appraisal of one or more disinterested persons appointed by the 16651  
board. 16652

Any action taken by a county board under this division that 16653  
will incur debt on the part of the county shall be taken in 16654  
accordance with Chapter 133. of the Revised Code. A county board 16655  
shall not incur any debt on the part of the county without the 16656  
prior approval of the board of county commissioners. 16657

(B)(1) To the extent that resources are available, a county board shall provide or arrange for the provision of adult services to individuals who are age eighteen and older and not enrolled in a program or service under Chapter 3323. of the Revised Code or age sixteen or seventeen and eligible for adult services under rules adopted by the director of developmental disabilities under Chapter 119. of the Revised Code. These services shall be provided in accordance with the individual's individual service plan and shall include support services specified in the plan.

(2) Any prevocational services shall be provided in accordance with the individual's individual service plan and occur over a specified period of time with specific outcomes sought to be achieved.

(3) A county board may, in cooperation with the opportunities for Ohioans with disabilities agency, seek federal funds for job training or other services directly directed at helping individuals obtain community employment.

(4) A county board may contract with any agency, board, or other entity that is accredited by the commission on accreditation of rehabilitation facilities to provide services. A county board that is accredited by the commission on accreditation of rehabilitation facilities may provide services for which it is certified by the commission.

(C) To the extent that resources are available, a county board may provide services to an individual with mental retardation or other developmental disability in addition to those provided pursuant to this section, section 5126.05 of the Revised Code, or any other section of this chapter. The services shall be provided in accordance with the individual's individual service plan and may be provided in collaboration with other entities of state or local government.

**Sec. 5126.08.** (A) The director of developmental disabilities 16689  
shall adopt rules in accordance with Chapter 119. of the Revised 16690  
Code for all programs and services offered by a county board of 16691  
developmental disabilities. Such rules shall include, but are not 16692  
limited to, the following: 16693

(1) Determination of what constitutes a program or service; 16694

(2) Standards to be followed by a board in administering, 16695  
providing, arranging, or operating programs and services; 16696

(3) Standards for determining the nature and degree of mental 16697  
retardation, including mild mental retardation, or developmental 16698  
disability; 16699

(4) Standards and procedures for ~~determining~~ making 16700  
eligibility determinations for the programs and services ~~under~~ 16701  
~~section 5126.15 of the Revised Code~~; 16702

(5) Procedures for obtaining consent for the arrangement of 16703  
services under section 5126.31 of the Revised Code and for 16704  
obtaining signatures on individual service plans under that 16705  
section; 16706

(6) Specification of the service and support administration 16707  
to be provided by a county board and standards for resolving 16708  
grievances in connection with service and support administration. 16709

(B) The director shall be the final authority in determining 16710  
the nature and degree of mental retardation or developmental 16711  
disability. 16712

**Sec. 5126.21.** As used in this section, "management employee" 16713  
does not include the superintendent of a county board of 16714  
developmental disabilities. 16715

(A)(1) Each management employee of a county board of 16716  
developmental disabilities shall hold a limited contract for a 16717

period of not less than one year and not more than five years, 16718  
except that a management employee hired after the beginning of a 16719  
program year may be employed under a limited contract expiring at 16720  
the end of the program year. The board shall approve all contracts 16721  
of employment for management employees that are for a term of more 16722  
than one year. A management employee shall receive notice of the 16723  
superintendent's intention not to rehire the employee at least 16724  
ninety days prior to the expiration of the contract. 16725

(2) During the term of a contract a management employee's 16726  
salary may be increased, but shall not be reduced unless the 16727  
reduction is part of a uniform plan affecting all employees of the 16728  
board. 16729

(B) All management employees may be removed, suspended, or 16730  
demoted for cause pursuant to section 5126.23 of the Revised Code. 16731

(C) All management employees shall receive employee benefits 16732  
as established by the board. Sections 124.38 and 325.19 of the 16733  
Revised Code do not apply to management employees. 16734

(D) The superintendent of a county board of developmental 16735  
disabilities shall notify all management employees of the board of 16736  
their salary no later than thirty days before the first day of the 16737  
new contract year. 16738

(E) Each county board of developmental disabilities shall 16739  
establish a lay-off policy to be followed if it determines a 16740  
reduction in the number of management employees is necessary. 16741

(F) If a management employee position becomes vacant, the 16742  
superintendent first shall consider whether to enter into an 16743  
agreement with another county board for the sharing of personnel 16744  
under 5126.02 of the Revised Code. If the superintendent 16745  
determines there are no significant efficiencies or it is 16746  
impractical to share personnel, the superintendent may employ a 16747  
management employee to fill the vacancy. 16748

Sec. 5126.25. (A) The director of developmental disabilities 16749  
shall adopt rules under division (C) of this section establishing 16750  
uniform standards and procedures for the certification and 16751  
registration of persons, other than the persons described in 16752  
division (I) of this section, who are seeking employment with or 16753  
are employed by either of the following: 16754

(1) A county board of developmental disabilities; 16755

(2) An entity that contracts with a county board to operate 16756  
programs and services for individuals with mental retardation or 16757  
developmental disabilities. 16758

(B) No person shall be employed in a position for which 16759  
certification or registration is required pursuant to the rules 16760  
adopted under this section without the certification or 16761  
registration that is required for that position. The person shall 16762  
not be employed or shall not continue to be employed if the 16763  
required certification or registration is denied, revoked, or not 16764  
renewed. 16765

(C) The director shall adopt rules in accordance with Chapter 16766  
119. of the Revised Code as the director considers necessary to 16767  
implement and administer this section, including rules 16768  
establishing all of the following: 16769

(1) Positions of employment that are subject to this section 16770  
and, for each position, whether a person must receive 16771  
certification or receive registration to be employed in that 16772  
position; 16773

(2) Requirements that must be met to receive the 16774  
certification or registration required to be employed in a 16775  
particular position, including standards regarding education, 16776  
specialized training, and experience, taking into account the 16777  
needs of individuals with mental retardation or developmental 16778

disabilities and the specialized techniques needed to serve them, 16779  
except that the rules shall not require a person designated as a 16780  
service employee under section 5126.22 of the Revised Code to have 16781  
or obtain a bachelor's or higher degree; 16782

(3) Procedures to be followed in applying for initial 16783  
certification or registration and for renewing the certification 16784  
or registration. 16785

(4) Requirements that must be met for renewal of 16786  
certification or registration, which may include continuing 16787  
education and professional training requirements; 16788

(5) Subject to section 5126.23 of the Revised Code, grounds 16789  
for which certification or registration may be denied, suspended, 16790  
or revoked and procedures for appealing the denial, suspension, or 16791  
revocation. 16792

(D) Each person seeking certification or registration for 16793  
employment shall apply in the manner established in rules adopted 16794  
under this section. 16795

(E)(1) Except as provided in division (E)(2) of this section, 16796  
the superintendent of each county board is responsible for taking 16797  
all actions regarding certification and registration of employees, 16798  
other than the position of superintendent, early intervention 16799  
supervisor, early intervention specialist, or investigative agent. 16800  
For the position of superintendent, early intervention supervisor, 16801  
early intervention specialist, or investigative agent, the 16802  
director of developmental disabilities is responsible for taking 16803  
all such actions. 16804

Actions that may be taken by the superintendent or director 16805  
include issuing, renewing, denying, suspending, and revoking 16806  
certification and registration. All actions shall be taken in 16807  
accordance with the rules adopted under this section. 16808

The superintendent may charge a fee to persons applying for 16809



certification or registration. The superintendent shall establish 16810  
the amount of the fee according to the costs the county board 16811  
incurs in administering its program for certification and 16812  
registration of employees. 16813

A person subject to the denial, suspension, or revocation of 16814  
certification or registration may appeal the decision. The appeal 16815  
shall be made in accordance with the rules adopted under this 16816  
section. 16817

(2) Pursuant to division (C) of section 5126.05 of the 16818  
Revised Code, the superintendent may enter into a contract with 16819  
any other entity under which the entity is given authority to 16820  
carry out all or part of the superintendent's responsibilities 16821  
under division (E)(1) of this section. 16822

(F) A person with valid certification or registration under 16823  
this section on the effective date of any rules adopted under this 16824  
section that increase the standards applicable to the 16825  
certification or registration shall have such period as the rules 16826  
prescribe, but not less than one year after the effective date of 16827  
the rules, to meet the new certification or registration 16828  
standards. 16829

(G) A person with valid certification or registration is 16830  
qualified to be employed according to that certification or 16831  
registration by any county board or entity contracting with a 16832  
county board. 16833

(H) The director shall monitor county boards to ensure that 16834  
their employees and the employees of their contracting entities 16835  
have the applicable certification or registration required under 16836  
this section and that the employees are performing only those 16837  
functions they are authorized to perform under the certification 16838  
or registration. The superintendent of each county board or the 16839  
superintendent's designee shall maintain in appropriate personnel 16840

files evidence acceptable to the director that the employees have 16841  
met the requirements. On request, representatives of the 16842  
department of developmental disabilities shall be given access to 16843  
the evidence. 16844

(I) The certification and registration requirements of this 16845  
section and the rules adopted under it do not apply to either of 16846  
the following: 16847

(1) A person who holds a valid license issued or certificate 16848  
issued under Chapter 3319. of the Revised Code and performs no 16849  
duties other than teaching or supervision of a teaching program; 16850

(2) A person who holds a valid license or certificate issued 16851  
under Title XLVII of the Revised Code and performs only those 16852  
duties governed by the license or certificate. 16853

**Sec. 5126.42.** ~~(A) A Each county board of developmental 16854  
disabilities shall establish an advisory council composed of board 16855  
members or employees of the board, providers, individuals 16856  
receiving supported living, and advocates for individuals 16857  
receiving supported living to provide on going communication among 16858  
all persons concerned with supported living. 16859~~

~~(B) The board shall develop procedures for the resolution of 16860  
grievances between the following: 16861~~

~~(A) The board and providers or between the; 16862~~

~~(B) The board and an entity with which it has a shared 16863  
funding agreement. 16864~~

~~(C) The board shall develop and implement a provider 16865  
selection system. Each system shall enable an individual to choose 16866  
to continue receiving supported living from the same providers, to 16867  
select additional providers, or to choose alternative providers. 16868  
Annually, the board shall review its provider selection system to 16869  
determine whether it has been implemented in a manner that allows 16870~~

~~individuals fair and equitable access to providers.~~ 16871

~~In developing a provider selection system, the county board shall create a pool of providers for individuals to use in choosing their providers of supported living. The pool shall be created by placing in the pool all providers on record with the board or by placing in the pool all providers approved by the board through soliciting requests for proposals for supported living contracts. In either case, only providers that are certified by the director of developmental disabilities may be placed in the pool.~~ 16872  
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~~If the board places all providers on record in the pool, the board shall review the pool at least annually to determine whether each provider has continued interest in being a provider and has maintained its certification by the department. At any time, an interested and certified provider may make a request to the board that it be added to the pool, and the board shall add the provider to the pool not later than seven days after receiving the request.~~ 16881  
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~~If the board solicits requests for proposals for inclusion of providers in the pool, the board shall develop standards for selecting the providers to be included. Requests for proposals shall be solicited at least annually. When requests are solicited, the board shall cause legal notices to be published once each week for two consecutive weeks in a newspaper of general circulation within the county or as provided in section 7.16 of the Revised Code. The board's formal request for proposals shall include a description of any applicable contract terms, the standards that are used to select providers for inclusion in the pool, and the process the board uses to resolve disputes arising from the selection process. The board shall accept requests from any entity interested in being a provider of supported living for individuals served by the board. Requests shall be approved or denied according to the standards developed by the board. Providers that~~ 16888  
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~~previously have been placed in the pool are not required to~~ 16903  
~~resubmit a request for proposal to be included in the pool, unless~~ 16904  
~~the board's standards have been changed.~~ 16905

~~In assisting an individual in choosing a provider, the county~~ 16906  
~~board shall provide the individual with uniform and consistent~~ 16907  
~~information pertaining to each provider in the pool. An individual~~ 16908  
~~may choose to receive supported living from a provider that is not~~ 16909  
~~included in the pool, if the provider is certified by the director~~ 16910  
~~of developmental disabilities.~~ 16911

**Sec. 5126.43.** (A) After receiving notice from the department 16912  
of developmental disabilities of the amount of state funds to be 16913  
distributed to it for planning, developing, contracting for, and 16914  
providing supported living, the county board of developmental 16915  
disabilities shall arrange for supported living on behalf of and 16916  
with the consent of individuals based on their individual service 16917  
plans developed under section 5126.41 of the Revised Code. With 16918  
the state distribution and any other money designated by the board 16919  
for supported living, the board shall arrange for supported living 16920  
in one or more of the following ways: 16921

(1) By contracting under section 5126.45 of the Revised Code 16922  
with providers selected by the individual to be served; 16923

(2) By entering into shared funding agreements with state 16924  
agencies, local public agencies, or political subdivisions at 16925  
rates negotiated by the board; 16926

(3) By providing direct payment or vouchers to be used to 16927  
purchase supported living, pursuant to a written contract in an 16928  
amount determined by the board, to the individual or a person 16929  
providing the individual with protective services as defined in 16930  
section 5123.55 of the Revised Code. 16931

(B) The board may arrange for supported living only with 16932

providers that are certified by the director of developmental 16933  
disabilities. 16934

When no certified provider is willing and able to provide 16935  
supported living for an individual in accordance with the terms of 16936  
the individual service plan for that individual, a county board 16937  
may provide supported living directly if it is certified by the 16938  
director of developmental disabilities to provide supported 16939  
living. 16940

A county board may, for a period not to exceed ninety days, 16941  
contract for or provide supported living without meeting the 16942  
requirements of this section for an individual it determines to be 16943  
in emergency need of supported living. Thereafter, the individual 16944  
shall choose providers in accordance with sections 5126.046 and 16945  
5126.41 ~~and 5126.42~~ of the Revised Code. 16946

**Sec. 5126.45.** (A) A contract between a county board of 16947  
developmental disabilities and a provider of supported living 16948  
shall be in writing and shall be based on the individual service 16949  
plan developed by the individual under section 5126.41 of the 16950  
Revised Code. The plan may be submitted as an addendum to the 16951  
contract. An individual receiving services pursuant to a contract 16952  
shall be considered a third-party beneficiary to the contract. 16953

(B) The contract shall be negotiated between the provider and 16954  
the county board. The terms of the contract shall include at least 16955  
the following: 16956

(1) The contract period and conditions for renewal; 16957

(2) The services to be provided pursuant to the individual 16958  
service plan; 16959

(3) The rights and responsibilities of all parties to the 16960  
contract; 16961

(4) The methods that will be used to evaluate the services 16962

delivered by the provider;	16963
(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree;	16964 16965
(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable;	16966 16967 16968
(7) Procedures for the retention of applicable records;	16969
(8) Provisions for contract termination by any party involved that include requirements for an appropriate notice of intent to terminate the contract;	16970 16971 16972
(9) Methods to be used to document services provided;	16973
(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract;	16974 16975
(11) The method and schedule the board will use to make payments to the provider and whether periodic payment adjustments will be made to the provider;	16976 16977 16978
(12) Provisions for conducting fiscal reconciliations for payments made through methods other than a fee-for-service arrangement.	16979 16980 16981
(C) Payments to the provider under a supported living contract must be determined by the <u>county</u> board to be reasonable in accordance with policies and procedures developed by the <u>county</u> board. Goods or services provided without charge to the provider shall not be included as expenditures of the provider.	16982 16983 16984 16985 16986
(D) The <u>county</u> board shall establish procedures for reconciling expenditures and payments, other than those made under a fee-for-service arrangement, for the prior contract year when a contract is not renewed and shall reconcile expenditures and payments in accordance with these procedures.	16987 16988 16989 16990 16991
(E) A provider or an entity with which the <u>county</u> board has	16992

entered into a shared funding agreement may ~~appeal a negotiated~~ 16993  
~~contract or proposed shared funding rate to~~ seek resolution of 16994  
grievances with the county board using the procedures established 16995  
by the county board under section 5126.42 of the Revised Code. 16996

**Sec. 5139.05.** (A) The juvenile court may commit any child to 16997  
the department of youth services as authorized in Chapter 2152. of 16998  
the Revised Code, provided that any child so committed shall be at 16999  
least ten years of age at the time of the child's delinquent act, 17000  
and, if the child is ten or eleven years of age, the delinquent 17001  
act is a violation of section 2909.03 of the Revised Code or would 17002  
be aggravated murder, murder, or a first or second degree felony 17003  
offense of violence if committed by an adult. Any order to commit 17004  
a child to an institution under the control and management of the 17005  
department shall have the effect of ordering that the child be 17006  
committed to the department and assigned to an institution or 17007  
placed in a community corrections facility in accordance with 17008  
division (E) of section 5139.36 of the Revised Code as follows: 17009

(1) For an indefinite term consisting of the prescribed 17010  
minimum period specified by the court under division (A)(1) of 17011  
section 2152.16 of the Revised Code and a maximum period not to 17012  
exceed the child's attainment of twenty-one years of age, if the 17013  
child was committed pursuant to section 2152.16 of the Revised 17014  
Code; 17015

(2) Until the child's attainment of twenty-one years of age, 17016  
if the child was committed for aggravated murder or murder 17017  
pursuant to section 2152.16 of the Revised Code; 17018

(3) For a period of commitment that shall be in addition to, 17019  
and shall be served consecutively with and prior to, a period of 17020  
commitment described in division (A)(1) or (2) of this section, if 17021  
the child was committed pursuant to section 2152.17 of the Revised 17022  
Code; 17023

(4) If the child is ten or eleven years of age, to an institution, a residential care facility, a residential facility, or a facility licensed by the department of job and family services that the department of youth services considers best designated for the training and rehabilitation of the child and protection of the public. The child shall be housed separately from children who are twelve years of age or older until the child is released or discharged or until the child attains twelve years of age, whichever occurs first. Upon the child's attainment of twelve years of age, if the child has not been released or discharged, the department is not required to house the child separately.

(B)(1) Except as otherwise provided in section 5139.54 of the Revised Code, the release authority of the department of youth services, in accordance with section 5139.51 of the Revised Code and at any time after the end of the minimum period specified under division (A)(1) of section 2152.16 of the Revised Code, may grant the release from custody of any child committed to the department.

The order committing a child to the department of youth services shall state that the child has been adjudicated a delinquent child and state the minimum period. The jurisdiction of the court terminates at the end of the minimum period except as follows:

(a) In relation to judicial release procedures, supervision, and violations;

(b) With respect to functions of the court related to the revocation of supervised release that are specified in sections 5139.51 and 5139.52 of the Revised Code;

(c) In relation to its duties relating to serious youthful offender dispositional sentences under sections 2152.13 and



2152.14 of the Revised Code. 17055

(2) When a child has been committed to the department under 17056  
section 2152.16 of the Revised Code, the department shall retain 17057  
legal custody of the child until one of the following: 17058

(a) The department discharges the child to the exclusive 17059  
management, control, and custody of the child's parent or the 17060  
guardian of the child's person or, if the child is eighteen years 17061  
of age or older, discharges the child. 17062

(b) The committing court, upon its own motion, upon petition 17063  
of the parent, guardian of the person, or next friend of a child, 17064  
or upon petition of the department, terminates the department's 17065  
legal custody of the child. 17066

(c) The committing court grants the child a judicial release 17067  
to court supervision under section 2152.22 of the Revised Code. 17068

(d) The department's legal custody of the child is terminated 17069  
automatically by the child attaining twenty-one years of age. 17070

(e) If the child is subject to a serious youthful offender 17071  
dispositional sentence, the adult portion of that dispositional 17072  
sentence is imposed under section 2152.14 of the Revised Code. 17073

(C) When a child is committed to the department of youth 17074  
services, the department may assign the child to a hospital for 17075  
mental, physical, and other examination, inquiry, or treatment for 17076  
the period of time that is necessary. The department may remove 17077  
any child in its custody to a hospital for observation, and a 17078  
complete report of every observation at the hospital shall be made 17079  
in writing and shall include a record of observation, treatment, 17080  
and medical history and a recommendation for future treatment, 17081  
custody, and maintenance. The department shall thereupon order the 17082  
placement and treatment that it determines to be most conducive to 17083  
the purposes of Chapters 2151. and 5139. of the Revised Code. The 17084  
committing court and all public authorities shall make available 17085

to the department all pertinent data in their possession with 17086  
respect to the case. 17087

(D) Records maintained by the department of youth services 17088  
pertaining to the children in its custody shall be accessible only 17089  
to department employees, except by consent of the department, upon 17090  
the order of the judge of a court of record, or as provided in 17091  
divisions (D)(1) and (2) of this section. These records shall not 17092  
be considered "public records," as defined in section 149.43 of 17093  
the Revised Code. 17094

(1) Except as otherwise provided by a law of this state or 17095  
the United States, the department of youth services may release 17096  
records that are maintained by the department of youth services 17097  
and that pertain to children in its custody to the department of 17098  
rehabilitation and correction regarding persons who are under the 17099  
jurisdiction of the department of rehabilitation and correction 17100  
and who have previously been committed to the department of youth 17101  
services. The department of rehabilitation and correction may use 17102  
those records for the limited purpose of carrying out the duties 17103  
of the department of rehabilitation and correction. Records 17104  
released by the department of youth services to the department of 17105  
rehabilitation and correction shall remain confidential and shall 17106  
not be considered public records as defined in section 149.43 of 17107  
the Revised Code. 17108

(2) The department of youth services shall provide to the 17109  
superintendent of the school district in which a child discharged 17110  
or released from the custody of the department is entitled to 17111  
attend school under section 3313.64 or 3313.65 of the Revised Code 17112  
the records described in divisions (D)(4)(a) to (d) of section 17113  
2152.18 of the Revised Code. Subject to the provisions of section 17114  
3319.321 of the Revised Code and the Family Educational Rights and 17115  
Privacy Act, 20 U.S.C. 1232g, as amended, the records released to 17116  
the superintendent shall remain confidential and shall not be 17117

considered public records as defined in section 149.43 of the Revised Code.

(E)(1) When a child is committed to the department of youth services, the department, orally or in writing, shall notify the parent, guardian, or custodian of a child that the parent, guardian, or custodian may request at any time from the superintendent of the institution in which the child is located any of the information described in divisions (E)(1)(a), (b), (c), and (d) of this section. The parent, guardian, or custodian may provide the department with the name, address, and telephone number of the parent, guardian, or custodian, and, until the department is notified of a change of name, address, or telephone number, the department shall use the name, address, and telephone number provided by the parent, guardian, or custodian to provide notices or answer inquiries concerning the following information:

(a) When the department of youth services makes a permanent assignment of the child to a facility, the department, orally or in writing and on or before the third business day after the day the permanent assignment is made, shall notify the parent, guardian, or custodian of the child of the name of the facility to which the child has been permanently assigned.

If a parent, guardian, or custodian of a child who is committed to the department of youth services requests, orally or in writing, the department to provide the parent, guardian, or custodian with the name of the facility in which the child is currently located, the department, orally or in writing and on or before the next business day after the day on which the request is made, shall provide the name of that facility to the parent, guardian, or custodian.

(b) If a parent, guardian, or custodian of a child who is committed to the department of youth services, orally or in writing, asks the superintendent of the institution in which the

child is located whether the child is being disciplined by the 17150  
personnel of the institution, what disciplinary measure the 17151  
personnel of the institution are using for the child, or why the 17152  
child is being disciplined, the superintendent or the 17153  
superintendent's designee, on or before the next business day 17154  
after the day on which the request is made, shall provide the 17155  
parent, guardian, or custodian with written or oral responses to 17156  
the questions. 17157

(c) If a parent, guardian, or custodian of a child who is 17158  
committed to the department of youth services, orally or in 17159  
writing, asks the superintendent of the institution in which the 17160  
child is held whether the child is receiving any medication from 17161  
personnel of the institution, what type of medication the child is 17162  
receiving, or what condition of the child the medication is 17163  
intended to treat, the superintendent or the superintendent's 17164  
designee, on or before the next business day after the day on 17165  
which the request is made, shall provide the parent, guardian, or 17166  
custodian with oral or written responses to the questions. 17167

(d) When a major incident occurs with respect to a child who 17168  
is committed to the department of youth services, the department, 17169  
as soon as reasonably possible after the major incident occurs, 17170  
shall notify the parent, guardian, or custodian of the child that 17171  
a major incident has occurred with respect to the child and of all 17172  
the details of that incident that the department has ascertained. 17173

(2) The failure of the department of youth services to 17174  
provide any notification required by or answer any requests made 17175  
pursuant to division (E) of this section does not create a cause 17176  
of action against the state. 17177

(F) The department of youth services, as a means of 17178  
punishment while the child is in its custody, shall not prohibit a 17179  
child who is committed to the department from seeing that child's 17180  
parent, guardian, or custodian during standard visitation periods 17181

allowed by the department of youth services unless the 17182  
superintendent of the institution in which the child is held 17183  
determines that permitting that child to visit with the child's 17184  
parent, guardian, or custodian would create a safety risk to that 17185  
child, that child's parents, guardian, or custodian, the personnel 17186  
of the institution, or other children held in that institution. 17187

(G) As used in this section: 17188

(1) "Permanent assignment" means the assignment or transfer 17189  
for an extended period of time of a child who is committed to the 17190  
department of youth services to a facility in which the child will 17191  
receive training or participate in activities that are directed 17192  
toward the child's successful rehabilitation. "Permanent 17193  
assignment" does not include the transfer of a child to a facility 17194  
for judicial release hearings pursuant to section 2152.22 of the 17195  
Revised Code or for any other temporary assignment or transfer to 17196  
a facility. 17197

(2) "Major incident" means the escape or attempted escape of 17198  
a child who has been committed to the department of youth services 17199  
from the facility to which the child is assigned; the return to 17200  
the custody of the department of a child who has escaped or 17201  
otherwise fled the custody and control of the department without 17202  
authorization; the allegation of any sexual activity with a child 17203  
committed to the department; physical injury to a child committed 17204  
to the department as a result of alleged abuse by department 17205  
staff; an accident resulting in injury to a child committed to the 17206  
department that requires medical care or treatment outside the 17207  
institution in which the child is located; the discovery of a 17208  
controlled substance upon the person or in the property of a child 17209  
committed to the department; a suicide attempt by a child 17210  
committed to the department; a suicide attempt by a child 17211  
committed to the department that results in injury to the child 17212  
requiring emergency medical services outside the institution in 17213

which the child is located; the death of a child committed to the 17214  
department; an injury to a visitor at an institution under the 17215  
control of the department that is caused by a child committed to 17216  
the department; and the commission or suspected commission of an 17217  
act by a child committed to the department that would be an 17218  
offense if committed by an adult. 17219

(3) "Sexual activity" has the same meaning as in section 17220  
2907.01 of the Revised Code. 17221

(4) "Controlled substance" has the same meaning as in section 17222  
3719.01 of the Revised Code. 17223

(5) "Residential care facility" and "residential facility" 17224  
have the same meanings as in section 2151.011 of the Revised Code. 17225

**Sec. 5139.12.** Any person who is required, pursuant to 17226  
division (A) of section 2151.421 of the Revised Code, to report 17227  
the person's knowledge of or reasonable cause to suspect abuse or 17228  
neglect or threat of abuse or neglect of a child under eighteen 17229  
years of age or a mentally retarded, developmentally disabled, or 17230  
physically impaired child under twenty-one years of age or any 17231  
person who is permitted, pursuant to division (B) of that section, 17232  
to report, or cause such a report to be made and who makes or 17233  
causes the report to be made, shall direct that report to the 17234  
state highway patrol if the child is a delinquent child in the 17235  
custody of an institution. If the state highway patrol determines 17236  
after receipt of the report that there is probable cause that 17237  
abuse or neglect or threat of abuse or neglect of the delinquent 17238  
child occurred, the highway patrol shall report its findings to 17239  
the department of youth services, to the court that ordered the 17240  
disposition of the delinquent child for the act that would have 17241  
been an offense if committed by an adult and for which the 17242  
delinquent child is in the custody of the department, to the 17243  
public children services agency in the county in which the child 17244

resides or in which the abuse or neglect or threat of abuse or 17245  
neglect occurred, and to the chairperson and vice-chairperson of 17246  
the correctional institution inspection committee established by 17247  
section 103.71 of the Revised Code. 17248

**Sec. 5139.34.** (A) Funds may be appropriated to the department 17249  
of youth services for the purpose of granting state subsidies to 17250  
counties. A county or the juvenile court that serves a county 17251  
shall use state subsidies granted to the county pursuant to this 17252  
section only in accordance with divisions (B)(2)(a) and (3)(a) of 17253  
section 5139.43 of the Revised Code and the rules pertaining to 17254  
the state subsidy funds that the department adopts pursuant to 17255  
division (D) of section 5139.04 of the Revised Code. The 17256  
department shall not grant financial assistance pursuant to this 17257  
section for the provision of care and services for children in a 17258  
placement facility unless the facility has been certified, 17259  
licensed, or approved by a state or national agency with 17260  
certification, licensure, or approval authority, including, but 17261  
not limited to, the department of job and family services, 17262  
department of education, department of mental health and addiction 17263  
services, department of developmental disabilities, or American 17264  
correctional association. For the purposes of this section, 17265  
placement facilities do not include a state institution or a 17266  
county or district children's home. 17267

The department also shall not grant financial assistance 17268  
pursuant to this section for the provision of care and services 17269  
for children, including, but not limited to, care and services in 17270  
a detention facility, in another facility, or in out-of-home 17271  
placement, unless the minimum standards applicable to the care and 17272  
services that the department prescribes in rules adopted pursuant 17273  
to division (D) of section 5139.04 of the Revised Code have been 17274  
satisfied. 17275

(B) The department of youth services shall apply the 17276  
following formula to determine the amount of the annual grant that 17277  
each county is to receive pursuant to division (A) of this 17278  
section, subject to the appropriation for this purpose to the 17279  
department made by the general assembly: 17280

(1) Each county shall receive a basic annual grant of fifty 17281  
thousand dollars. 17282

(2) The sum of the basic annual grants provided under 17283  
division (B)(1) of this section shall be subtracted from the total 17284  
amount of funds appropriated to the department of youth services 17285  
for the purpose of making grants pursuant to division (A) of this 17286  
section to determine the remaining portion of the funds 17287  
appropriated. The remaining portion of the funds appropriated 17288  
shall be distributed on a per capita basis to each county that has 17289  
a population of more than twenty-five thousand for that portion of 17290  
the population of the county that exceeds twenty-five thousand. 17291

(C)(1) Prior to a county's receipt of an annual grant 17292  
pursuant to this section, the juvenile court that serves the 17293  
county shall prepare, submit, and file in accordance with division 17294  
(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 17295  
agreement and application for funding that is for the combined 17296  
purposes of, and that satisfies the requirements of, this section 17297  
and section 5139.43 of the Revised Code. In addition to the 17298  
subject matters described in division (B)(3)(a) of section 5139.43 17299  
of the Revised Code or in the rules that the department adopts to 17300  
implement that division, the annual grant agreement and 17301  
application for funding shall address fiscal accountability and 17302  
performance matters pertaining to the programs, care, and services 17303  
that are specified in the agreement and application and for which 17304  
state subsidy funds granted pursuant to this section will be used. 17305

(2) The county treasurer of each county that receives an 17306  
annual grant pursuant to this section shall deposit the state 17307



subsidy funds so received into the county's felony delinquent care 17308  
and custody fund created pursuant to division (B)(1) of section 17309  
5139.43 of the Revised Code. Subject to exceptions prescribed in 17310  
section 5139.43 of the Revised Code that may apply to the 17311  
disbursement, the department shall disburse the state subsidy 17312  
funds to which a county is entitled in a lump sum payment that 17313  
shall be made in July of each calendar year. 17314

(3) Upon an order of the juvenile court that serves a county 17315  
and subject to appropriation by the board of county commissioners 17316  
of that county, a county treasurer shall disburse from the 17317  
county's felony delinquent care and custody fund the state subsidy 17318  
funds granted to the county pursuant to this section for use only 17319  
in accordance with this section, the applicable provisions of 17320  
section 5139.43 of the Revised Code, and the county's approved 17321  
annual grant agreement and application for funding. 17322

(4) The moneys in a county's felony delinquent care and 17323  
custody fund that represent state subsidy funds granted pursuant 17324  
to this section are subject to appropriation by the board of 17325  
county commissioners of the county; shall be disbursed by the 17326  
county treasurer as required by division (C)(3) of this section; 17327  
shall be used in the manners referred to in division (C)(3) of 17328  
this section; shall not revert to the county general fund at the 17329  
end of any fiscal year; shall carry over in the felony delinquent 17330  
care and custody fund from the end of any fiscal year to the next 17331  
fiscal year; shall be in addition to, and shall not be used to 17332  
reduce, any usual annual increase in county funding that the 17333  
juvenile court is eligible to receive or the current level of 17334  
county funding of the juvenile court and of any programs, care, or 17335  
services for alleged or adjudicated delinquent children, unruly 17336  
children, or juvenile traffic offenders or for children who are at 17337  
risk of becoming delinquent children, unruly children, or juvenile 17338  
traffic offenders; and shall not be used to pay for the care and 17339

custody of felony delinquents who are in the care and custody of 17340  
an institution pursuant to a commitment, recommitment, or 17341  
revocation of a release on parole by the juvenile court of that 17342  
county or who are in the care and custody of a community 17343  
corrections facility pursuant to a placement by the department 17344  
~~with the consent of the juvenile court~~ as described in division 17345  
(E) of section 5139.36 of the Revised Code. 17346

(5) As a condition of the continued receipt of state subsidy 17347  
funds pursuant to this section, each county and the juvenile court 17348  
that serves each county that receives an annual grant pursuant to 17349  
this section shall comply with divisions (B)(3)(b), (c), and (d) 17350  
of section 5139.43 of the Revised Code. 17351

**Sec. 5139.36.** (A) In accordance with this section and the 17352  
rules adopted under it and from funds appropriated to the 17353  
department of youth services for the purposes of this section, the 17354  
department shall make grants that provide financial resources to 17355  
operate community corrections facilities for felony delinquents. 17356

(B)(1) Each community corrections facility that intends to 17357  
seek a grant under this section shall file an application with the 17358  
department of youth services at the time and in accordance with 17359  
the procedures that the department shall establish by rules 17360  
adopted in accordance with Chapter 119. of the Revised Code. In 17361  
addition to other items required to be included in the 17362  
application, a plan that satisfies both of the following shall be 17363  
included: 17364

(a) It reduces the number of felony delinquents committed to 17365  
the department from the county or counties associated with the 17366  
community corrections facility. 17367

(b) It ensures equal access for minority felony delinquents 17368  
to the programs and services for which a potential grant would be 17369  
used. 17370

(2) The department of youth services shall review each application submitted pursuant to division (B)(1) of this section to determine whether the plan described in that division, the community corrections facility, and the application comply with this section and the rules adopted under it.

(C) To be eligible for a grant under this section and for continued receipt of moneys comprising a grant under this section, a community corrections facility shall satisfy at least all of the following requirements:

(1) Be constructed, reconstructed, improved, or financed by the Ohio building authority pursuant to section 307.021 of the Revised Code and Chapter 152. of the Revised Code for the use of the department of youth services and be designated as a community corrections facility;

(2) Have written standardized criteria governing the types of felony delinquents that are eligible for the programs and services provided by the facility;

(3) Have a written standardized intake screening process and an intake committee that at least performs both of the following tasks:

(a) Screens all eligible felony delinquents who are being considered for admission to the facility in lieu of commitment to the department;

(b) Notifies, within ten days after the date of the referral of a felony delinquent to the facility, the committing court whether the felony delinquent will be admitted to the facility.

(4) Comply with all applicable fiscal and program rules that the department adopts in accordance with Chapter 119. of the Revised Code and demonstrate that felony delinquents served by the facility have been or will be diverted from a commitment to the department.

(D) The department of youth services shall determine the 17402  
method of distribution of the funds appropriated for grants under 17403  
this section to community corrections facilities. 17404

(E)(1) The department of youth services shall adopt rules in 17405  
accordance with Chapter 119. of the Revised Code to establish the 17406  
minimum occupancy threshold of community corrections facilities. 17407

(2) The department may ~~make referrals for the placement of~~ 17408  
~~place~~ children in its custody ~~to~~ in a community corrections 17409  
facility. ~~At least forty five days prior to the referral of a~~ 17410  
~~child or within any shorter period prior to the referral of the~~ 17411  
~~child that the committing court may allow, the department shall~~ 17412  
~~notify the committing court of its intent to place the child in a~~ 17413  
~~community corrections facility. The court shall have thirty days~~ 17414  
~~after the receipt of the notice to approve or disapprove the~~ 17415  
~~placement. If the court does not respond to the notice of the~~ 17416  
~~placement within that thirty day period, the department shall~~ 17417  
~~proceed with the placement and debit~~ charge bed days to the county 17418  
in accordance with sections 5139.41 to 5139.43 of the Revised 17419  
Code. A child placed in a community corrections facility pursuant 17420  
to this division shall remain in the legal custody of the 17421  
department of youth services during the period in which the child 17422  
is in the community corrections facility. 17423

(3) Counties that are not associated with a community 17424  
corrections facility may refer children to a community corrections 17425  
facility with the consent of the facility. The department of youth 17426  
services shall debit the county that makes the referral in 17427  
accordance with sections 5139.41 to 5139.43 of the Revised Code. 17428

(F) The board or other governing body of a community 17429  
corrections facility shall meet not less often than once per 17430  
quarter. A community corrections facility may reimburse the 17431  
members of the board or other governing body of the facility and 17432  
the members of an advisory board created by the board or other 17433

governing body of the facility for their actual and necessary 17434  
expenses incurred in the performance of their official duties. The 17435  
members of the board or other governing body of the facility and 17436  
the members of an advisory board created by the board or other 17437  
governing body of the facility shall serve without compensation. 17438

**Sec. 5139.41.** The appropriation made to the department of 17439  
youth services for care and custody of felony delinquents shall be 17440  
expended in accordance with the following procedure that the 17441  
department shall use for each year of a biennium. The procedure 17442  
shall be consistent with sections 5139.41 to 5139.43 of the 17443  
Revised Code and shall be developed in accordance with the 17444  
following guidelines: 17445

(A) The line item appropriation for the care and custody of 17446  
felony delinquents shall provide funding for operational costs for 17447  
the following: 17448

(1) Institutions and the diagnosis, care, or treatment of 17449  
felony delinquents at facilities pursuant to contracts entered 17450  
into under section 5139.08 of the Revised Code; 17451

(2) Community corrections facilities constructed, 17452  
reconstructed, improved, or financed as described in section 17453  
5139.36 of the Revised Code for the purpose of providing 17454  
alternative placement and services for felony delinquents who have 17455  
been diverted from care and custody in institutions; 17456

(3) County juvenile courts that administer programs and 17457  
services for prevention, early intervention, diversion, treatment, 17458  
and rehabilitation services and programs that are provided for 17459  
alleged or adjudicated unruly or delinquent children or for 17460  
children who are at risk of becoming unruly or delinquent 17461  
children; 17462

(4) Administrative expenses the department incurs in 17463

connection with the felony delinquent care and custody programs 17464  
described in section 5139.43 of the Revised Code. 17465

(B) From the appropriated line item for the care and custody 17466  
of felony delinquents, the department, with the advice of the 17467  
RECLAIM advisory committee established under section 5139.44 of 17468  
the Revised Code, shall allocate annual operational funds for 17469  
county juvenile programs, institutional care and custody, 17470  
community corrections facilities care and custody, and 17471  
administrative expenses incurred by the department associated with 17472  
felony delinquent care and custody programs. The department, with 17473  
the advice of the RECLAIM advisory committee, shall adjust these 17474  
allocations, when modifications to this line item are made by 17475  
legislative or executive action. 17476

(C) The department shall divide county juvenile program 17477  
allocations among county juvenile courts that administer programs 17478  
and services for prevention, early intervention, diversion, 17479  
treatment, and rehabilitation that are provided for alleged or 17480  
adjudicated unruly or delinquent children or for children who are 17481  
at risk of becoming unruly or delinquent children. The department 17482  
shall base funding on the county's previous year's ratio of the 17483  
department's institutional and community ~~correctional~~ corrections 17484  
facilities commitments to that county's average of felony 17485  
adjudications, as specified in the following formula: 17486

(1) The department shall give to each county a proportional 17487  
allocation of commitment credits. The proportional allocation of 17488  
commitment credits shall be calculated by the following 17489  
procedures: 17490

(a) The department shall determine for each county and for 17491  
the state an average of felony adjudications. Beginning July 1, 17492  
2012, the average shall include felony adjudications for fiscal 17493  
year 2007 and for each subsequent fiscal year through fiscal year 17494  
2016. Beginning July 1, 2017, the most recent felony adjudication 17495

data shall be included and the oldest fiscal year data shall be 17496  
removed so that a ten-year average of felony adjudication data 17497  
will be maintained. 17498

(b) The department shall determine for each county and for 17499  
the state the number of charged bed days, for both the department 17500  
and community ~~correctional~~ corrections facilities, from the 17501  
previous year. 17502

(c) The department shall divide the statewide total number of 17503  
charged bed days by the statewide total number of felony 17504  
adjudications, which quotient shall then be multiplied by a factor 17505  
determined by the department. 17506

(d) The department shall calculate the county's allocation of 17507  
credits by multiplying the number of adjudications for each court 17508  
by the result determined pursuant to division (C)(1)(c) of this 17509  
section. 17510

(2) The department shall subtract from the allocation 17511  
determined pursuant to division (C)(1) of this section a credit 17512  
for every chargeable bed day while a youth ~~stays~~ is in a 17513  
~~department institution~~ the department's custody and two-thirds of 17514  
credit for every chargeable bed day a youth stays in a community 17515  
~~correctional~~ corrections facility, except for public safety beds. 17516  
At the end of the year, the department shall divide the amount of 17517  
remaining credits of that county's allocation by the total number 17518  
of remaining credits to all counties, to determine the county's 17519  
percentage, which shall then be applied to the total county 17520  
allocation to determine the county's payment for the fiscal year. 17521

(3) The department shall pay counties three times during the 17522  
fiscal year to allow for credit reporting and audit adjustments, 17523  
and modifications to the appropriated line item for the care and 17524  
custody of felony delinquents, as described in this section. The 17525  
department shall pay fifty per cent of the payment by the 17526

fifteenth of July of each fiscal year, twenty-five per cent by the 17527  
fifteenth of January of that fiscal year, and twenty-five per cent 17528  
of the payment by the fifteenth of June of that fiscal year. 17529

Sec. 5139.45. (A) As used in this section: 17530

(1) "Institution" means a state facility that is created by 17531  
the general assembly and that is under the management and control 17532  
of the department of youth services or a private entity with which 17533  
the department has contracted for the institutional care and 17534  
custody of felony delinquents. 17535

(2) "Quality assurance program" means a comprehensive program 17536  
within the department of youth services to systematically review 17537  
and improve the quality of programming, operations, education, 17538  
medical and mental health services within the department and the 17539  
department's institutions, the safety and security of persons 17540  
receiving care and services within the department and the 17541  
department's institutions, and the efficiency and effectiveness of 17542  
the utilization of staff and resources in the delivery of services 17543  
within the department and the department's institutions. 17544

(3) "Quality assurance program activities" means the 17545  
activities of the institution and the office of quality assurance 17546  
and improvement, of persons who provide, collect, or compile 17547  
information and reports required by the office of quality 17548  
assurance and improvement, and of persons who receive, review, or 17549  
implement the recommendations made by the office of quality 17550  
assurance and improvement. "Quality assurance program activities" 17551  
include credentialing, infection control, utilization review 17552  
including access to patient care, patient care assessments, 17553  
medical and mental health records, medical and mental health 17554  
resource management, mortality and morbidity review, and 17555  
identification and prevention of medical or mental health 17556  
incidents and risks, whether performed by the office of quality 17557



assurance and improvement or by persons who are directed by the 17558  
office of quality assurance and improvement. 17559

(4) "Quality assurance record" means the proceedings, 17560  
records, minutes, and reports that result from quality assurance 17561  
program activities. "Quality assurance record" does not include 17562  
aggregate statistical information that does not disclose the 17563  
identity of persons receiving or providing services in 17564  
institutions. 17565

(B) The office of quality assurance and improvement is hereby 17566  
created as an office in the department of youth services. The 17567  
director of youth services shall appoint a managing officer to 17568  
carry out quality assurance program activities. 17569

(C)(1) Except as otherwise provided in division (F) of this 17570  
section, quality assurance records are confidential and are not 17571  
public records under section 149.43 of the Revised Code and shall 17572  
be used only in the course of the proper functions of a quality 17573  
assurance program. 17574

(2) Except as provided in division (F) of this section, no 17575  
person who possesses or has access to quality assurance records 17576  
and who knows that the records are quality assurance records shall 17577  
willfully disclose the contents of the records to any person or 17578  
entity. 17579

(D)(1) Except as otherwise provided in division (F) of this 17580  
section, a quality assurance record is not subject to discovery 17581  
and is not admissible as evidence in any judicial or 17582  
administrative proceeding. 17583

(2) Except as provided in division (F) of this section, no 17584  
employee of the office of quality assurance and improvement or a 17585  
person who is performing a function that is part of a quality 17586  
assurance program shall be permitted or required to testify in a 17587  
judicial or administrative proceeding with respect to a quality 17588

assurance record or with respect to any finding, recommendation, 17589  
evaluation, opinion, or other action taken by the office or 17590  
program or by the person within the scope of the quality assurance 17591  
program. 17592

(3) Information, documents, or records otherwise available 17593  
from original sources shall not be unavailable for discovery or 17594  
inadmissible as evidence in a judicial or administrative 17595  
proceeding under division (D)(1) of this section merely because 17596  
they were presented to the office of quality assurance and 17597  
improvement. No person who is an employee of the office of quality 17598  
assurance and improvement shall be prohibited from testifying as 17599  
to matters within the person's knowledge, but the person shall not 17600  
be asked about an opinion formed by the person as a result of the 17601  
person's quality assurance program activities. 17602

(E)(1) A person who, without malice and in the reasonable 17603  
belief that the information is warranted by the facts known to the 17604  
person, provides information to a person engaged in quality 17605  
assurance program activities is not liable for damages in a civil 17606  
action for injury, death, or loss to person or property as a 17607  
result of providing the information. 17608

(2) An employee of the office of quality assurance and 17609  
improvement, a person engaged in quality assurance program 17610  
activities, or an employee of the department of youth services 17611  
shall not be liable in damages in a civil action for injury, 17612  
death, or loss to person or property for any acts, omissions, 17613  
decisions, or other conduct within the scope of the functions of 17614  
the quality assurance program. 17615

(3) Nothing in this section shall relieve any institution 17616  
from liability arising from the treatment of a patient. 17617

(F) Quality assurance records may be disclosed, and testimony 17618  
may be provided concerning quality assurance records, only to the 17619

following persons or entities or under the following 17620  
circumstances: 17621

(1) Persons who are employed or retained by the department of 17622  
youth services and who have the authority to evaluate or implement 17623  
the recommendations of an institution or the office of quality 17624  
assurance and improvement; 17625

(2) Public or private agencies or organizations if needed to 17626  
perform a licensing or accreditation function related to 17627  
institutions or to perform monitoring of institutions as required 17628  
by law; 17629

(3) A governmental board or agency, a professional health 17630  
care society or organization, or a professional standards review 17631  
organization, if the records or testimony are needed to perform 17632  
licensing, credentialing, or monitoring of professional standards 17633  
with respect to medical or mental health professionals employed or 17634  
retained by the department; 17635

(4) A criminal or civil law enforcement agency or public 17636  
health agency charged by law with the protection of public health 17637  
or safety, if a qualified representative of the agency makes a 17638  
written request stating that the records or testimony are 17639  
necessary for a purpose authorized by law; 17640

(5) In a judicial or administrative proceeding commenced by 17641  
an entity described in division (F)(3) or (4) of this section for 17642  
a purpose described in that division but only with respect to the 17643  
subject of the proceedings. 17644

(G) A disclosure of quality assurance records pursuant to 17645  
division (F) of this section does not otherwise waive the 17646  
confidential and privileged status of the disclosed quality 17647  
assurance records. The names and other identifying information 17648  
regarding individual patients or employees of the office of 17649  
quality assurance and improvement contained in a quality assurance 17650

record shall be redacted from the record prior to the disclosure 17651  
of the record unless the identity of an individual is necessary 17652  
for the purpose for which the disclosure is being made and does 17653  
not constitute a clearly unwarranted invasion of personal privacy. 17654

**Sec. 5164.34.** (A) As used in this section: 17655

(1) "Criminal records check" has the same meaning as in 17656  
section 109.572 of the Revised Code. 17657

(2) "Disqualifying offense" means any of the offenses listed 17658  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 17659  
the Revised Code. 17660

(3) "Owner" means a person who has an ownership interest in a 17661  
medicaid provider in an amount designated in rules authorized by 17662  
this section. 17663

(4) "Person subject to the criminal records check 17664  
requirement" means the following: 17665

(a) A medicaid provider who is notified under division (E)(1) 17666  
of this section that the provider is subject to a criminal records 17667  
check; 17668

(b) An owner or prospective owner, officer or prospective 17669  
officer, or board member or prospective board member of a medicaid 17670  
provider if, pursuant to division (E)(1)(a) of this section, the 17671  
owner or prospective owner, officer or prospective officer, or 17672  
board member or prospective board member is specified in 17673  
information given to the provider under division (E)(1) of this 17674  
section; 17675

(c) An employee or prospective employee of a medicaid 17676  
provider if both of the following apply: 17677

(i) The employee or prospective employee is specified, 17678  
pursuant to division (E)(1)(b) of this section, in information 17679  
given to the provider under division (E)(1) of this section. 17680

(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee. 17681  
17682

(5) "Responsible entity" means the following: 17683

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee; 17684  
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(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider. 17687  
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(B) This section does not apply to any individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, 5123.169, or 5164.341 of the Revised Code or any individual who is subject to a database review or criminal records check under section 173.38, 3701.881, or 5164.342 of the Revised Code. 17692  
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(C) The department of medicaid may do any of the following: 17698

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement; 17699  
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(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider; 17702  
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(3) Require that any medicaid provider do the following: 17707

(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective 17708  
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employee of the provider is included in a database; 17711

(b) Unless the provider is prohibited by division (D)(3)(b) 17712  
of this section from ~~employing~~ retaining the employee or hiring 17713  
the prospective employee, require the employee or prospective 17714  
employee to submit to a criminal records check as a condition of 17715  
being retained as an employee of, or hired by, the provider. 17716

(D)(1) The department or the department's designee shall deny 17717  
or terminate a medicaid provider's provider agreement if the 17718  
provider is a person subject to the criminal records check 17719  
requirement and either of the following applies: 17720

(a) The provider fails to obtain the criminal records check 17721  
after being given the information specified in division (G)(1) of 17722  
this section. 17723

(b) Except as provided in rules authorized by this section, 17724  
the provider is found by the criminal records check to have been 17725  
convicted of or have pleaded guilty to a disqualifying offense, 17726  
regardless of the date of the conviction or the date of entry of 17727  
the guilty plea. 17728

(2) No medicaid provider shall permit a person to be an 17729  
owner, officer, or board member of the provider if the person is a 17730  
person subject to the criminal records check requirement and 17731  
either of the following applies: 17732

(a) The person fails to obtain the criminal records check 17733  
after being given the information specified in division (G)(1) of 17734  
this section. 17735

(b) Except as provided in rules authorized by this section, 17736  
the person is found by the criminal records check to have been 17737  
convicted of or have pleaded guilty to a disqualifying offense, 17738  
regardless of the date of the conviction or the date of entry of 17739  
the guilty plea. 17740

(3) No medicaid provider shall ~~employ~~ retain as an employee  
or hire a person if any of the following apply: 17741  
17742

(a) The person has been excluded from being a medicaid 17743  
provider, a medicare provider, or provider for any other federal 17744  
health care program. 17745

(b) If the person is subject to a database review conducted 17746  
under division (F)(1)(a) of this section, the person is found by 17747  
the database review to be included in a database and the rules 17748  
authorized by this section regarding the database review prohibit 17749  
the provider from ~~employing~~ retaining as an employee or hiring a 17750  
person included in the database. 17751

(c) If the person is a person subject to the criminal records 17752  
check requirement, either of the following applies: 17753

(i) The person fails to obtain the criminal records check 17754  
after being given the information specified in division (G)(1) of 17755  
this section. 17756

(ii) Except as provided in rules authorized by this section, 17757  
the person is found by the criminal records check to have been 17758  
convicted of or have pleaded guilty to a disqualifying offense, 17759  
regardless of the date of the conviction or the date of entry of 17760  
the guilty plea. 17761

(E)(1) The department or the department's designee shall 17762  
inform each medicaid provider whether the provider is subject to a 17763  
criminal records check. For providers with valid provider 17764  
agreements, the information shall be given at times designated in 17765  
rules authorized by this section. For providers applying to be 17766  
medicaid providers, the information shall be given at the time of 17767  
initial application. When the information is given, the department 17768  
or the department's designee shall specify the following: 17769

(a) Which of the provider's owners or prospective owners, 17770  
officers or prospective officers, or board members or prospective 17771

board members are subject to a criminal records check; 17772

(b) Which of the provider's employees or prospective 17773  
employees are subject to division (C)(3) of this section. 17774

(2) At times designated in rules authorized by this section, 17775  
a medicaid provider that is a person subject to the criminal 17776  
records check requirement shall do the following: 17777

(a) Inform each person specified under division (E)(1)(a) of 17778  
this section that the person is required to submit to a criminal 17779  
records check as a condition of being an owner, officer, or board 17780  
member of the provider; 17781

(b) Inform each person specified under division (E)(1)(b) of 17782  
this section that the person is subject to division (C)(3) of this 17783  
section. 17784

(F)(1) If a medicaid provider is a person subject to the 17785  
criminal records check requirement, the department or the 17786  
department's designee shall require the conduct of a criminal 17787  
records check by the superintendent of the bureau of criminal 17788  
identification and investigation. A medicaid provider shall 17789  
require the conduct of a criminal records check by the 17790  
superintendent with respect to each of the persons specified under 17791  
division (E)(1)(a) of this section. With respect to each employee 17792  
and prospective employee specified under division (E)(1)(b) of 17793  
this section, a medicaid provider shall do the following: 17794

(a) If rules authorized by this section require the provider 17795  
to conduct a database review to determine whether the employee or 17796  
prospective employee is included in a database, conduct the 17797  
database review in accordance with the rules; 17798

(b) Unless the provider is prohibited by division (D)(3)(b) 17799  
of this section from ~~employing~~ retaining the employee or hiring 17800  
the prospective employee, require the conduct of a criminal 17801  
records check of the employee or prospective employee by the 17802



superintendent. 17803

(2) If a person subject to the criminal records check 17804  
requirement does not present proof of having been a resident of 17805  
this state for the five-year period immediately prior to the date 17806  
the criminal records check is requested or provide evidence that 17807  
within that five-year period the superintendent has requested 17808  
information about the person from the federal bureau of 17809  
investigation in a criminal records check, the responsible entity 17810  
shall require the person to request that the superintendent obtain 17811  
information from the federal bureau of investigation as part of 17812  
the criminal records check of the person. Even if the person 17813  
presents proof of having been a resident of this state for the 17814  
five-year period, the responsible entity may require that the 17815  
person request that the superintendent obtain information from the 17816  
federal bureau of investigation and include it in the criminal 17817  
records check of the person. 17818

(G) Criminal records checks required by this section shall be 17819  
obtained as follows: 17820

(1) The responsible entity shall provide each person subject 17821  
to the criminal records check requirement information about 17822  
accessing and completing the form prescribed pursuant to division 17823  
(C)(1) of section 109.572 of the Revised Code and the standard 17824  
impression sheet prescribed pursuant to division (C)(2) of that 17825  
section. 17826

(2) The person subject to the criminal records check 17827  
requirement shall submit the required form and one complete set of 17828  
the person's fingerprint impressions directly to the 17829  
superintendent for purposes of conducting the criminal records 17830  
check using the applicable methods prescribed by division (C) of 17831  
section 109.572 of the Revised Code. The person shall pay all fees 17832  
associated with obtaining the criminal records check. 17833

(3) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check requirement shall instruct the superintendent to submit the report of the criminal records check directly to the responsible entity. If the department or the department's designee is not the responsible entity, the department or designee may require the responsible entity to submit the report to the department or designee.

(H)(1) A medicaid provider may ~~employ~~ conditionally hire a person for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The provider is not prohibited by division (D)(3)(b) of this section from ~~employing~~ hiring the person.

(b) The person submits a request for the criminal records check not later than five business days after the provider conditionally hires the person ~~begins conditional employment~~.

(2) A medicaid provider that ~~employs a person~~ conditionally hires a person under division (H)(1) of this section shall ~~terminate the person's employment~~ remove the conditionally hired person from any job duties that require a criminal records check if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. ~~Regardless~~

Regardless of when the results of the criminal records check are obtained, if the results indicate that the conditionally hired person has been convicted of or has pleaded guilty to a disqualifying offense, the provider shall terminate the conditionally hired person's employment unless circumstances specified in rules authorized by this section exist that permit the provider to ~~employ~~ hire the person and the provider chooses to

~~employ~~ hire the person. 17865

(I) The report of a criminal records check conducted pursuant 17866  
to this section is not a public record for the purposes of section 17867  
149.43 of the Revised Code and shall not be made available to any 17868  
person other than the following: 17869

(1) The person who is the subject of the criminal records 17870  
check or the person's representative; 17871

(2) The medicaid director and the staff of the department who 17872  
are involved in the administration of the medicaid program; 17873

(3) The department's designee; 17874

(4) The medicaid provider who required the person who is the 17875  
subject of the criminal records check to submit to the criminal 17876  
records check; 17877

(5) An individual receiving or deciding whether to receive, 17878  
from the subject of the criminal records check, home and 17879  
community-based services available under the medicaid state plan; 17880

(6) A court, hearing officer, or other necessary individual 17881  
involved in a case dealing with any of the following: 17882

(a) The denial or termination of a provider agreement; 17883

(b) A ~~person's~~ denial of ~~employment~~ hiring of a person or 17884  
retention of a person, termination of a person's employment, or a 17885  
person's employment or unemployment benefits; 17886

(c) A civil or criminal action regarding the medicaid 17887  
program. 17888

(J) The medicaid director may adopt rules under section 17889  
5164.02 of the Revised Code to implement this section. If the 17890  
director adopts such rules, the rules shall designate the times at 17891  
which a criminal records check must be conducted under this 17892  
section. The rules may do any of the following: 17893

(1) Designate the categories of persons who are subject to a criminal records check under this section; 17894  
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(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of, or pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense; 17896  
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(3) Specify circumstances under which a medicaid provider may permit a person to be hired by, be retained as an employee of, or be an owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense; 17902  
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(4) Specify all of the following: 17908

(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database; 17909  
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(b) The procedures for conducting the database review; 17913

(c) The databases that are to be checked; 17914

(d) The circumstances under which a medicaid provider is prohibited from ~~employing~~ retaining as an employee or hiring a person who is found by the database review to be included in a database. 17915  
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**Sec. 5164.342.** (A) As used in this section: 17919

"Applicant" means a person who is under final consideration for ~~employment with~~ hiring by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 17920  
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"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code. 17924  
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"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code. 17926  
17927

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 17928  
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"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 17930  
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"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 17933  
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"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code. 17936  
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 173.38 of the Revised Code rather than this section. 17943  
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(C) No waiver agency shall ~~employ~~ hire an applicant or ~~continue to employ~~ retain an employee in a position that involves providing home and community-based services if any of the following apply: 17951  
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(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules authorized by this section and the rules prohibit the waiver agency from ~~employing~~ hiring an applicant or ~~continuing to employ~~ retaining an employee included in such a database in a position that involves providing home and community-based services.

(2) After the applicant or employee is given the information and notification required by divisions (F)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules authorized by this section, the applicant or employee is found by a criminal records check

required by this section to have been convicted of or have pleaded 17986  
guilty to a disqualifying offense, regardless of the date of the 17987  
conviction or date of entry of the guilty plea. 17988

(D) At the time of each applicant's initial application for 17989  
~~employment in hiring into~~ a position that involves providing home 17990  
and community-based services, the chief administrator of a waiver 17991  
agency shall inform the applicant of both of the following: 17992

(1) That a review of the databases listed in division (E) of 17993  
this section will be conducted to determine whether the waiver 17994  
agency is prohibited by division (C)(1) of this section from 17995  
~~employing hiring~~ the applicant ~~in into~~ the position; 17996

(2) That, unless the database review reveals that the 17997  
applicant may not be ~~employed in hired into~~ the position, a 17998  
criminal records check of the applicant will be conducted and the 17999  
applicant is required to provide a set of the applicant's 18000  
fingerprint impressions as part of the criminal records check. 18001

(E) As a condition ~~of employing for hiring~~ any applicant ~~in~~ 18002  
into a position that involves providing home and community-based 18003  
services, the chief administrator of a waiver agency shall conduct 18004  
a database review of the applicant in accordance with rules 18005  
authorized by this section. If rules authorized by this section so 18006  
require, the chief administrator of a waiver agency shall conduct 18007  
a database review of an employee in accordance with the rules as a 18008  
condition of ~~continuing to employ~~ retaining the employee in a 18009  
position that involves providing home and community-based 18010  
services. A database review shall determine whether the applicant 18011  
or employee is included in any of the following: 18012

(1) The excluded parties list system that is maintained by 18013  
the United States general services administration pursuant to 18014  
subpart 9.4 of the federal acquisition regulation and available at 18015  
the federal web site known as the system for award management; 18016

(2) The list of excluded individuals and entities maintained 18017  
by the office of inspector general in the United States department 18018  
of health and human services pursuant to the "Social Security 18019  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 18020

(3) The registry of MR/DD employees established under section 18021  
5123.52 of the Revised Code; 18022

(4) The internet-based sex offender and child-victim offender 18023  
database established under division (A)(11) of section 2950.13 of 18024  
the Revised Code; 18025

(5) The internet-based database of inmates established under 18026  
section 5120.66 of the Revised Code; 18027

(6) The state nurse aide registry established under section 18028  
3721.32 of the Revised Code; 18029

(7) Any other database, if any, specified in rules authorized 18030  
by this section. 18031

(F)(1) As a condition of ~~employing~~ for hiring any applicant 18032  
~~in~~ into a position that involves providing home and 18033  
community-based services, the chief administrator of a waiver 18034  
agency shall require the applicant to request that the 18035  
superintendent of the bureau of criminal identification and 18036  
investigation conduct a criminal records check of the applicant. 18037  
If rules authorized by this section so require, the chief 18038  
administrator of a waiver agency shall require an employee to 18039  
request that the superintendent conduct a criminal records check 18040  
of the employee at times specified in the rules as a condition of 18041  
~~continuing to employ~~ for retaining the employee in a position that 18042  
involves providing home and community-based services. However, a 18043  
criminal records check is not required for an applicant or 18044  
employee if the waiver agency is prohibited by division (C)(1) of 18045  
this section from ~~employing~~ hiring the applicant or ~~continuing to~~ 18046  
~~employ~~ retaining the employee in a position that involves 18047



providing home and community-based services. If an applicant or 18048  
employee for whom a criminal records check request is required by 18049  
this section does not present proof of having been a resident of 18050  
this state for the five-year period immediately prior to the date 18051  
the criminal records check is requested or provide evidence that 18052  
within that five-year period the superintendent has requested 18053  
information about the applicant or employee from the federal 18054  
bureau of investigation in a criminal records check, the chief 18055  
administrator shall require the applicant or employee to request 18056  
that the superintendent obtain information from the federal bureau 18057  
of investigation as part of the criminal records check. Even if an 18058  
applicant or employee for whom a criminal records check request is 18059  
required by this section presents proof of having been a resident 18060  
of this state for the five-year period, the chief administrator 18061  
may require the applicant or employee to request that the 18062  
superintendent include information from the federal bureau of 18063  
investigation in the criminal records check. 18064

(2) The chief administrator shall provide the following to 18065  
each applicant and employee for whom a criminal records check is 18066  
required by this section: 18067

(a) Information about accessing, completing, and forwarding 18068  
to the superintendent of the bureau of criminal identification and 18069  
investigation the form prescribed pursuant to division (C)(1) of 18070  
section 109.572 of the Revised Code and the standard impression 18071  
sheet prescribed pursuant to division (C)(2) of that section; 18072

(b) Written notification that the applicant or employee is to 18073  
instruct the superintendent to submit the completed report of the 18074  
criminal records check directly to the chief administrator. 18075

(3) A waiver agency shall pay to the bureau of criminal 18076  
identification and investigation the fee prescribed pursuant to 18077  
division (C)(3) of section 109.572 of the Revised Code for any 18078  
criminal records check required by this section. However, a waiver 18079

agency may require an applicant to pay to the bureau the fee for a 18080  
criminal records check of the applicant. If the waiver agency pays 18081  
the fee for an applicant, it may charge the applicant a fee not 18082  
exceeding the amount the waiver agency pays to the bureau under 18083  
this section if the waiver agency notifies the applicant at the 18084  
time of initial application for ~~employment~~ hiring into the 18085  
position in question of the amount of the fee and that, unless the 18086  
fee is paid, the applicant will not be considered for ~~employment~~ 18087  
the hiring. 18088

(G)(1) A waiver agency may ~~employ~~ conditionally hire an 18089  
applicant for whom a criminal records check is required by this 18090  
section prior to obtaining the results of the criminal records 18091  
check if both of the following apply: 18092

(a) The waiver agency is not prohibited by division (C)(1) of 18093  
this section from ~~employing~~ hiring the applicant in a position 18094  
that involves providing home and community-based services. 18095

(b) The chief administrator of the waiver agency requires the 18096  
applicant to request a criminal records check regarding the 18097  
applicant in accordance with division (F)(1) of this section not 18098  
later than five business days after the waiver agency 18099  
conditionally hires the applicant ~~begins conditional employment~~. 18100

(2) A waiver agency that ~~employs~~ conditionally hires an 18101  
applicant ~~conditionally~~ under division (G)(1) of this section 18102  
shall ~~terminate the applicant's employment~~ remove the 18103  
conditionally hired applicant from any job duties that require a 18104  
criminal records check if the results of the criminal records 18105  
check, other than the results of any request for information from 18106  
the federal bureau of investigation, are not obtained within the 18107  
period ending sixty days after the date the request for the 18108  
criminal records check is made. ~~Regardless~~ 18109

Regardless of when the results of the criminal records check 18110

are obtained, if the results indicate that the conditionally hired 18111  
applicant has been convicted of or has pleaded guilty to a 18112  
disqualifying offense, the waiver agency shall terminate the 18113  
conditionally hired applicant's employment unless circumstances 18114  
specified in rules authorized by this section exist that permit 18115  
the waiver agency to ~~employ~~ hire the applicant and the waiver 18116  
agency chooses to ~~employ~~ hire the applicant. 18117

(H) The report of any criminal records check conducted 18118  
pursuant to a request made under this section is not a public 18119  
record for the purposes of section 149.43 of the Revised Code and 18120  
shall not be made available to any person other than the 18121  
following: 18122

(1) The applicant or employee who is the subject of the 18123  
criminal records check or the representative of the applicant or 18124  
employee; 18125

(2) The chief administrator of the waiver agency that 18126  
requires the applicant or employee to request the criminal records 18127  
check or the administrator's representative; 18128

(3) The medicaid director and the staff of the department who 18129  
are involved in the administration of the medicaid program; 18130

(4) The director of aging or the director's designee if the 18131  
waiver agency also is a community-based long-term care provider or 18132  
community-based long-term care subcontractor; 18133

(5) An individual receiving or deciding whether to receive 18134  
home and community-based services from the subject of the criminal 18135  
records check; 18136

(6) A court, hearing officer, or other necessary individual 18137  
involved in a case dealing with any of the following: 18138

(a) A denial of ~~employment~~ hiring of the applicant or of 18139  
retention of the employee; 18140

(b) Employment or unemployment benefits of the applicant or employee;	18141 18142
(c) A civil or criminal action regarding the medicaid program.	18143 18144
(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.	18145 18146
(1) The rules may do the following:	18147
(a) Require employees to undergo database reviews and criminal records checks under this section;	18148 18149
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	18150 18151 18152
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	18153 18154 18155
(2) The rules shall specify all of the following:	18156
(a) The procedures for conducting a database review under this section;	18157 18158
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	18159 18160 18161 18162
(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from <del>employing</del> <u>hiring</u> an applicant or <del>continuing to employ</del> <u>retaining</u> an employee who is found by the database review to be included in one or more of those databases;	18163 18164 18165 18166 18167
(d) The circumstances under which a waiver agency may <del>employ</del> <u>hire</u> an applicant or <u>retain an</u> employee who is found by a criminal records check required by this section to have been convicted of	18168 18169 18170

or have pleaded guilty to a disqualifying offense. 18171

(J) The amendments made by H.B. 487 of the 129th general 18172  
assembly to this section do not preclude the department of 18173  
medicaid from taking action against a person for failure to comply 18174  
with former division (H) of this section as that division existed 18175  
on the day preceding January 1, 2013. 18176

**Sec. 5513.01.** (A) ~~All~~ The director of transportation shall 18177  
make all purchases of machinery, materials, supplies, or other 18178  
articles ~~that the director of transportation makes shall be~~ in the 18179  
manner provided in this section. In all cases except those in 18180  
which the director provides written authorization for purchases by 18181  
district deputy directors of transportation, the director shall 18182  
make all such purchases ~~shall be made~~ at the central office of the 18183  
department of transportation in Columbus. Before making any 18184  
purchase at that office, the director, as provided in this 18185  
section, shall give notice to bidders of the director's intention 18186  
to purchase. Where the expenditure does not exceed the amount 18187  
applicable to the purchase of supplies specified in division (B) 18188  
of section 125.05 of the Revised Code, as adjusted pursuant to 18189  
division (D) of that section, the director shall give such notice 18190  
as the director considers proper, or the director may make the 18191  
purchase without notice. Where the expenditure exceeds the amount 18192  
applicable to the purchase of supplies specified in division (B) 18193  
of section 125.05 of the Revised Code, as adjusted pursuant to 18194  
division (D) of that section, the director shall give notice by 18195  
posting for not less than ten days a written, typed, or printed 18196  
invitation to bidders on a bulletin board, ~~which.~~ The director 18197  
shall be located locate the notice in a place in the offices 18198  
assigned to the department and open to the public during business 18199  
hours. ~~Producers~~ 18200

Producers or distributors of any product may notify the 18201

director, in writing, of the class of articles for the furnishing 18202  
of which they desire to bid and their post-office addresses, ~~in~~ 18203  
~~which case. In that circumstance, the director shall mail~~ copies 18204  
of all invitations to bidders relating to the purchase of such 18205  
articles ~~shall be mailed~~ to such persons ~~by the director~~ by 18206  
regular first class mail at least ten days prior to the time fixed 18207  
for taking bids. The director also may mail copies of all 18208  
invitations to bidders to news agencies or other agencies or 18209  
organizations distributing information of this character. Requests 18210  
for invitations ~~shall~~ are not ~~be~~ valid ~~nor~~ and do not require 18211  
action by the director unless renewed by the director, either 18212  
annually or after such shorter period as the director may 18213  
prescribe by a general rule. The 18214

The director shall include in an invitation to bidders ~~shall~~ 18215  
~~contain~~ a brief statement of the general character of the article 18216  
that it is intended to purchase, the approximate quantity desired, 18217  
and a statement of the time and place where bids will be received, 18218  
and may relate to and describe as many different articles as the 18219  
director thinks proper, it being the intent and purpose of this 18220  
section to authorize the inclusion in a single invitation of as 18221  
many different articles as the director desires to invite bids 18222  
upon at any given time. ~~Invitations~~ The director shall give 18223  
invitations issued during each calendar year ~~shall be given~~ 18224  
consecutive numbers, and ensure that the number assigned to each 18225  
invitation ~~shall appear~~ appears on all copies thereof. In all 18226  
cases where notice is required by this section, the director shall 18227  
require sealed bids ~~shall be taken~~, on forms prescribed and 18228  
furnished by the director, ~~and~~. The director shall not permit the 18229  
modification of bids after they have been opened ~~shall not be~~ 18230  
~~permitted~~. 18231

(B) The director may permit the Ohio turnpike and 18232  
infrastructure commission, any political subdivision, and any 18233

state university or college to participate in contracts into which 18234  
the director has entered for the purchase of machinery, materials, 18235  
supplies, or other articles. The turnpike and infrastructure 18236  
commission and any political subdivision or state university or 18237  
college desiring to participate in such purchase contracts shall 18238  
file with the director a certified copy of the bylaws or rules of 18239  
the turnpike and infrastructure commission or the ordinance or 18240  
resolution of the legislative authority, board of trustees, or 18241  
other governing board requesting authorization to participate in 18242  
such contracts and agreeing to be bound by such terms and 18243  
conditions as the director prescribes. Purchases made by the 18244  
turnpike and infrastructure commission, political subdivisions, or 18245  
state universities or colleges under this division are exempt from 18246  
any competitive bidding required by law for the purchase of 18247  
machinery, materials, supplies, or other articles. 18248

(C) As used in this section: 18249

(1) "Political subdivision" means any county, township, 18250  
municipal corporation, conservancy district, township park 18251  
district, park district created under Chapter 1545. of the Revised 18252  
Code, port authority, regional transit authority, regional airport 18253  
authority, regional water and sewer district, county transit 18254  
board, ~~or~~ school district as defined in section 5513.04 of the 18255  
Revised Code, regional planning commission formed under section 18256  
713.21 of the Revised Code, regional council of government formed 18257  
under section 167.01 of the Revised Code, or other association of 18258  
local governments established pursuant to an agreement under 18259  
sections 307.14 to 307.19 of the Revised Code. 18260

(2) "State university or college" has the same meaning as in 18261  
division (A)(1) of section 3345.32 of the Revised Code. 18262

(3) "Ohio turnpike and infrastructure commission" means the 18263  
commission created by section 5537.02 of the Revised Code. 18264

Sec. 5713.012. (A) For purposes of this section: 18265

(1) "Mass appraisal project" means any sexennial reappraisal, 18266  
triennial update, or other revaluation of all real property or the 18267  
valuation of newly constructed real property in accordance with 18268  
section 5713.01 of the Revised Code. 18269

(2) "Qualified project manager" means a person who plans, 18270  
manages, coordinates, and controls the execution of a mass 18271  
appraisal project under the direction of the county auditor and 18272  
who has all of the following qualifications: 18273

(a) Has passed a comprehensive final examination that 18274  
corresponds to a course, approved by the superintendent of real 18275  
estate and professional licensing, that consists of at least 18276  
thirty hours of instruction, quizzes, and learning aids. The 18277  
superintendent shall not approve a course under this division that 18278  
does not address the following topics in both the instruction and 18279  
the examination: 18280

(i) Concepts and principles of mass appraisal as they relate 18281  
to the assessment of real property for the purposes of ad valorem 18282  
taxation; 18283

(ii) Methods of data collection and data management relative 18284  
to parcels of real property, including modern alternative data 18285  
collection methods and currently utilized computer-assisted mass 18286  
appraisal systems; 18287

(iii) Assessment sales-ratio study including various measures 18288  
of central tendency, the various measures of dispersion of data 18289  
about the mean, median, and dollar-weighted mean, and the 18290  
advantages and disadvantages of various analysis techniques; 18291

(iv) Traditional approaches of property valuation, including 18292  
the cost approach, the sales comparison approach, and the income 18293  
approach, as they are implemented in a mass appraisal project; 18294



(v) Methods and systems for model building and model calibration as related to mass appraisal of real property;	18295 18296
(vi) Methods of production management and project analysis such as Gantt charts, program evaluation and review technique (PERT) charts, frequency distribution charts, line graphs, bar charts, and scatter diagrams, as they are utilized in the mass appraisal area.	18297 18298 18299 18300 18301
(b) Has completed at least seven hours of continuing education courses in mass appraisal during the two-year period immediately succeeding the year in which the person passed the examination required in division (A)(2)(a) of this section, and during each two-year period thereafter.	18302 18303 18304 18305 18306
(B)(1) The county auditor, in acting as the assessor of all real property in the auditor's county for taxation purposes in accordance with section 5713.01 of the Revised Code, shall involve at least one qualified project manager in each mass <del>assessment</del> <u>appraisal</u> project that originates more than two years after the effective date of the enactment of this section by H.B. 487 of the 129th general assembly, <u>September 10, 2012</u> .	18307 18308 18309 18310 18311 18312 18313
(2) The tax commissioner, beginning two years after the effective date of the enactment of this section by H.B. 487 of the 129th general assembly, <u>September 10, 2012</u> , shall not approve any contract entered into by the auditor under division (E) of section 5713.01 of the Revised Code, with a person to do all or any part of the work necessary to the performance of the auditor's duties as assessor unless that person designates an officer or employee of that person, with the appropriate credentials, to act as a qualified project manager.	18314 18315 18316 18317 18318 18319 18320 18321 18322
(3) The tax commissioner, beginning two years after the effective date of the enactment of this section by H.B. 487 of the 129th general assembly, <u>September 10, 2012</u> , shall not include any	18323 18324 18325

person that has not designated an officer or employee, with the appropriate credentials, to act as a qualified project manager on a list generated by the commissioner for either of the following purposes:

(a) To assist county auditors in selecting a person to do all or any part of the work necessary to the performance of the auditor's duties as assessor of all real property under section 5713.01 of the Revised Code;

(b) To assist the commissioner in the consideration of whether to approve or disapprove the auditor's application requesting authority to employ an appraisal firm or individual appraiser.

(C) The superintendent of real estate and professional licensing shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code necessary for the implementation of this section, including rules establishing all of the following:

(1) The form and manner by which persons may apply to the superintendent to offer a thirty-hour course or continuing education course as described in division (A)(2) of this section;

(2) Standards to be used by the superintendent in approving a thirty-hour course or continuing education course described in division (A)(2) of this section;

(3) Standards to be used in determining whether a person has successfully completed the examination and continuing education requirements described in division (A)(2) of this section;

(4) The method and deadlines for transmitting to the tax commissioner all information necessary for the commissioner to determine a person's eligibility for inclusion on the commissioner's list of qualified project managers.

**Section 101.02.** That existing sections 7.10, 7.16, 9.482,

109.572, 109.5721, 111.15, 119.03, 122.121, 122.861, 124.32, 18356  
125.13, 125.182, 126.21, 126.25, 149.38, 153.56, 164.26, 173.27, 18357  
173.38, 191.01, 340.02, 340.021, 1321.535, 1321.55, 1322.03, 18358  
1322.031, 1322.04, 1322.041, 1322.051, 1322.06, 1509.071, 1533.10, 18359  
1533.11, 1533.12, 1711.50, 1711.53, 2151.417, 2151.421, 2152.19, 18360  
2701.09, 2945.402, 3123.89, 3313.90, 3313.91, 3314.08, 3317.02, 18361  
3317.0217, 3701.132, 3701.34, 3701.74, 3701.83, 3701.881, 18362  
3702.511, 3702.52, 3702.526, 3702.71, 3702.74, 3702.75, 3702.91, 18363  
3702.95, 3730.09, 3737.02, 4141.01, 4141.09, 4141.11, 4141.131, 18364  
4141.20, 4141.25, 4141.26, 4141.28, 4141.29, 4141.35, 4511.191, 18365  
4729.03, 4729.54, 4729.83, 4737.045, 4758.01, 4758.02, 4758.06, 18366  
4758.16, 4758.20, 4758.21, 4758.23, 4758.24, 4758.26, 4758.28, 18367  
4758.29, 4758.30, 4758.31, 4758.35, 4758.36, 4758.50, 4758.51, 18368  
4758.60, 4758.71, 4781.121, 4781.29, 4905.01, 4905.81, 4905.95, 18369  
4923.01, 4923.02, 4923.04, 4928.66, 5104.03, 5123.01, 5123.011, 18370  
5123.012, 5123.081, 5123.16, 5123.162, 5123.169, 5123.19, 18371  
5123.191, 5123.21, 5123.61, 5123.75, 5123.76, 5123.89, 5124.01, 18372  
5124.106, 5124.21, 5124.60, 5124.61, 5124.62, 5124.67, 5126.01, 18373  
5126.0219, 5126.041, 5126.046, 5126.051, 5126.08, 5126.21, 18374  
5126.25, 5126.42, 5126.43, 5126.45, 5139.05, 5139.34, 5139.36, 18375  
5139.41, 5164.34, 5164.342, 5513.01, and 5713.012 of the Revised 18376  
Code are hereby repealed. 18377

**Section 105.01.** That sections 3125.191, 3702.93, 5124.63, and 18378  
5124.64 of the Revised Code are hereby repealed. 18379

**Section 503.10.** APPROPRIATIONS RELATED TO GRANT 18380  
RECONCILIATION AND CLOSE-OUT 18381

If, pursuant to the reconciliation and close-out process for 18382  
a grant received by a state agency, an amount is identified as 18383  
both unspent and requiring remittance to the grantor, the director 18384  
of the agency may request the Director of Budget and Management to 18385  
authorize additional expenditures to return the unspent cash to 18386

the grantor. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 503.20.** (A) As used in this section, "participating private party" means any person or private entity that is allowed to request a criminal records check pursuant to division (A)(2) or (3) of section 109.572 of the Revised Code.

(B) In addition to the authority granted by section 109.5721 of the Revised Code, the Superintendent of the Bureau of Criminal Identification and Investigation may operate the retained applicant fingerprint database established by that section and take any other actions the Superintendent determines is necessary in response to requests made by a participating private party pursuant to division (A)(2) or (3) of section 109.572 of the Revised Code.

(C) In connection with a request made pursuant to division (A)(2) or (3) of section 109.572 of the Revised Code, a participating private party may take any action permitted to be taken by a participating public office and shall take any action required to be taken by a participating public office pursuant to section 109.5721 of the Revised Code.

(D) The Director of Budget and Management may authorize expenditures from appropriation item 651680 Health Care Grants - Federal, to pay for costs associated with the administration of the Medicaid program, including the development of the retained applicant fingerprint database, in response to requests made in accordance with section 109.5721 and division (A)(2) or (3) of section 109.572 of the Revised Code.

**Section 503.30. CLEAN OHIO CONSERVATION GRANT REPAYMENTS**

Any grant repayment received by the Public Works Commission and deposited into the Clean Ohio Conservation Fund (Fund 7056)

pursuant to section 164.261 of the Revised Code is hereby 18417  
appropriated in appropriation item C15060, Clean Ohio 18418  
Conservation. 18419

**Section 509.10.** REESTABLISHING ENCUMBRANCES THAT USE OUTDATED 18420  
EXPENSE ACCOUNT CODES 18421

On or after January 1, 2015, should the Director of Budget 18422  
and Management elect to update expense account codes pursuant to 18423  
the authority granted in division (A)(2) of section 126.21 of the 18424  
Revised Code, the Director may cancel any existing operating or 18425  
capital encumbrances from prior fiscal years that reference 18426  
outdated expense account codes and, if needed, reestablish them 18427  
against the same appropriation items referencing updated expense 18428  
account codes. The reestablished encumbrance amounts are hereby 18429  
appropriated. Any business commenced but not completed under the 18430  
prior encumbrances by January 1, 2015, shall be completed under 18431  
the new encumbrances in the same manner and with the same effect 18432  
as if it was completed with regard to the old encumbrances. 18433

**Section 509.20.** The Department of Natural Resources is hereby 18434  
authorized, pursuant to and consistent with the requirements of 18435  
Chapter 127. of the Revised Code, to use moneys appropriated to it 18436  
from the Ohio Parks and Natural Resources Fund (Fund 7031) and the 18437  
Parks and Recreation Improvement Fund (Fund 7035) for capital 18438  
projects, including, but not limited to, improvements or 18439  
renovations on land or property owned by the department but used 18440  
and operated, under a lease or other agreement, by an entity other 18441  
than the department. No moneys shall be released under the 18442  
authority of this section until the Director of Natural Resources 18443  
has certified in writing to the Director of the Office of Budget 18444  
and Management that the project will enhance the use and enjoyment 18445  
of Ohio's state parks and natural resources. 18446

**Section 512.10.** On July 1, 2014, or as soon as possible 18447  
thereafter, the Director of Budget and Management shall transfer 18448  
the cash balance in the Education Endowment Fund (Fund P087) to 18449  
the Education Facilities Trust Fund (Fund N087). Upon completion 18450  
of the transfer, Fund P087 is abolished. 18451

**Section 512.20.** On July 1, 2014, or as soon as possible 18452  
thereafter, the Director of Budget and Management shall transfer 18453  
the cash balance in the Healthcare Services Fund (Fund 3W50), 18454  
Healthy Ohioans Initiatives Fund (Fund 5BL0), Alcohol Testing 18455  
Program Fund (Fund 5C00), TANF Family Planning Fund (Fund 5C10), 18456  
Poison Control Fund (Fund 5CB0), Sewage Treatment System 18457  
Innovation Fund (Fund 5CJ0), and the Health Emergency Fund (Fund 18458  
5EC0) to the General Revenue Fund. Upon the completion of these 18459  
transfers, Fund 3W50, Fund 5BL0, Fund 5C00, Fund 5C10, Fund 5CB0, 18460  
Fund 5CJ0, and Fund 5EC0 are abolished. 18461

**Section 512.30.** ABOLISHMENT OF INACTIVE FUNDS USED BY THE 18462  
DEPARTMENT OF JOB AND FAMILY SERVICES 18463

Within ninety days of the effective date of this section, or 18464  
as soon as possible thereafter, the Director of Budget and 18465  
Management shall transfer all cash in the following funds to the 18466  
Administration and Operating Fund (Fund 5DM0) used by the 18467  
Department of Job and Family Services: 18468

The State and Local Training Fund (Fund 3160), 18469

The Job Training Program Fund (Fund 3650), 18470

The Income Maintenance Reimbursement Fund (Fund 3A10), 18471

The ABD Managed Care - Federal Fund (Fund 3AZ0), 18472

The Children's Hospitals - Federal Fund (Fund 3BB0), 18473

The Ford Foundation Reimbursement Fund (Fund 3G90), 18474

The TANF - Employment & Training Fund (Fund 3S90),	18475
The HIPPY Program Fund (Fund 3W80),	18476
The Adoption Connection Fund (Fund 3W90),	18477
The Interagency Programs Fund (Fund 4G10),	18478
The Welfare Overpayment Intercept Fund (Fund 4K70),	18479
The Wellness Block Grant Fund (Fund 4N70),	18480
The Banking Fees Fund (Fund 4R30),	18481
The BCII Service Fees Fund (Fund 4R40),	18482
The Child Support Activities Fund (Fund 4V20),	18483
The BES Automation Administration Fund (Fund 5A50),	18484
The Public Assistance Reconciliation Fund (Fund 5AX0),	18485
The Child Support Operating Fund (Fund 5BE0),	18486
The ABD Managed Care - State Fund (Fund 5BZ0),	18487
The Private Child Care Agencies Training Fund (Fund 5E40),	18488
The EBT Contracted Services Fund (Fund 5E50),	18489
The State Option Food Stamp Program Fund (Fund 5E60),	18490
The BES Building Consolidation Fund (Fund 5F20),	18491
The BES Building Enhancement Fund (Fund 5F30),	18492
The Commission on Fatherhood Fund (Fund 5G30),	18493
The Child & Adult Protective Services Fund (Fund 5GV0),	18494
The Child Support Supplement Fund (Fund 5K60),	18495
The OhioWorks Supplement Fund (Fund 5L40),	18496
The County Technologies Fund (Fund 5N10),	18497
The TANF Child Welfare Fund (Fund 5P40),	18498
The Medicaid Admin Reimbursement Fund (Fund 5P60),	18499

The Child Support Special Payment Fund (Fund 5T20),	18500
The Federal Fiscal Relief Fund (Fund 5Y90),	18501
The Health Care Grants Fund (Fund 5Z50),	18502
The TANF QC Reinvestment Fund (Fund 5Z90),	18503
The Third Party Recoveries Fund (Fund 6000),	18504
The Training Activities Fund (Fund 6130), and	18505
The Ford Foundation Fund (Fund 6A70).	18506
Upon completion of the transfers, all the aforementioned funds	18507
listed in this section (except Fund 5DM0) are hereby abolished.	18508
Within ninety days after the effective date of this section,	18509
or as soon as possible thereafter, the Director of Budget and	18510
Management shall transfer all cash in the OhioCare Fund (Fund	18511
4X30), the Human Services Stabilization Fund (Fund 4Z70), and the	18512
Managed Care Assessment Fund (Fund 5BG0) to the General Revenue	18513
Fund. Upon completion of the transfers, Fund 4X30, Fund 4Z70, and	18514
Fund 5BG0 are hereby abolished.	18515
<b>Section 512.40.</b> On July 1, 2014, or as soon as possible	18516
thereafter, the Director of Budget and Management shall transfer	18517
the cash balance in the Nursing Facility Technical Assistance Fund	18518
(Fund 5L10), to the Residents Protection Fund (Fund 4E30). Upon	18519
completion of the transfer, Fund 5L10 is abolished.	18520
<b>Section 610.20.</b> That Sections 207.10, 209.30, 211.10, 221.10,	18521
241.10, 257.10, 259.10, 263.10, 263.230, 263.240, 263.250,	18522
263.270, 263.325, 275.10, 282.10, 282.30, 285.10, 285.20, 301.10,	18523
327.10, 333.10, 333.80, 340.10, 359.10, 363.10, 365.10, 395.10,	18524
403.10, 512.80, and 751.10 of Am. Sub. H.B. 59 of the 130th	18525
General Assembly be amended to read as follows:	18526
<b>Sec. 207.10.</b> DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	18527



	General Revenue Fund					18528	
GRF	100403	Public Employees	\$	309,600	\$	309,600	18529
		Health Care Program					
GRF	100414	MARCS Lease Rental	\$	5,133,700	\$	5,135,800	18530
		Payments					
GRF	100415	OAKS Lease Rental	\$	22,998,500	\$	22,982,500	18531
		Payments					
GRF	100416	STARS Lease Rental	\$	4,976,500	\$	4,973,200	18532
		Payments					
GRF	100447	Administrative	\$	<del>85,847,800</del>	\$	91,059,600	18533
		Building Lease Rental		<u>83,847,800</u>			
		Payments					
GRF	100448	Office Building	\$	20,000,000	\$	20,000,000	18534
		Operating Payments					
GRF	100449	DAS - Building	\$	7,551,571	\$	7,551,571	18535
		Operating Payments					
GRF	100452	Lean Ohio	\$	1,059,624	\$	1,059,624	18536
GRF	100456	State IT Services	\$	1,739,038	\$	1,739,038	18537
GRF	100457	Equal Opportunity	\$	1,910,516	\$	1,910,516	18538
		Services					
GRF	100459	Ohio Business Gateway	\$	4,049,094	\$	4,049,094	18539
GRF	130321	State Agency Support	\$	2,477,008	\$	2,477,008	18540
		Services					
	TOTAL GRF General Revenue Fund		\$	<del>158,052,951</del>	\$	163,247,551	18541
				<u>156,052,951</u>			
	General Services Fund Group						18542
1120	100616	DAS Administration	\$	6,127,659	\$	6,147,659	18543
1150	100632	Central Service Agency	\$	911,580	\$	927,699	18544
1170	100644	General Services	\$	12,993,870	\$	12,993,870	18545
		Division - Operating					
1220	100637	Fleet Management	\$	4,200,000	\$	4,200,000	18546
1250	100622	Human Resources	\$	17,749,839	\$	17,749,839	18547

		Division - Operating				
1250	100657	Benefits Communication	\$	712,316	\$	712,316 18548
1280	100620	Office of Collective Bargaining	\$	3,329,507	\$	3,329,507 18549
1300	100606	Risk Management Reserve	\$	6,635,784	\$	6,635,784 18550
1320	100631	DAS Building Management	\$	19,343,170	\$	19,343,170 18551
1330	100607	IT Services Delivery	\$	57,521,975	\$	57,521,975 18552
1880	100649	Equal Opportunity	\$	863,013	\$	863,013 18553
		Division - Operating				
2100	100612	State Printing	\$	20,459,526	\$	20,459,526 18554
2290	100630	IT Governance	\$	16,446,474	\$	16,446,474 18555
2290	100640	Leveraged Enterprise Purchases	\$	7,065,639	\$	7,065,639 18556
4270	100602	Investment Recovery	\$	1,618,062	\$	1,638,515 18557
4N60	100617	Major IT Purchases	\$	56,888,635	\$	56,888,635 18558
4P30	100603	DAS Information Services	\$	6,400,070	\$	6,400,070 18559
5C20	100605	MARCS Administration	\$	14,292,596	\$	14,512,028 18560
5C30	100608	Minor Construction Project Management	\$	1,004,375	\$	1,004,375 18561
5EB0	100635	OAKS Support Organization	\$	25,813,077	\$	19,813,077 18562
5EB0	100656	OAKS Updates and Developments	\$	9,886,923	\$	2,636,923 18563
5HU0	100655	Construction Reform Demo Compliance	\$	150,000	\$	150,000 18564
5KZ0	100659	Building Improvement	\$	500,000	\$	500,000 18565
5L70	100610	Professional Development	\$	2,100,000	\$	2,100,000 18566
5LA0	100660	Building Operation	\$	26,600,767	\$	26,814,648 18567
5LJ0	100661	IT Development	\$	13,200,000	\$	13,200,000 18568

5V60 100619	Employee Educational Development	\$	800,000	\$	800,000	18569
TOTAL GSF General Services Fund						18570
Group		\$	333,614,857	\$	320,854,742	18571
Federal Special Revenue Fund Group						18572
3AJ0 100654	ARRA Broadband Mapping Grant	\$	1,723,009	\$	1,723,009	18573
TOTAL FED Federal Special Revenue						18574
Fund Group		\$	1,723,009	\$	1,723,009	18575
State Special Revenue Fund Group						18576
5JQ0 100658	Professionals Licensing System	\$	3,028,366	\$	990,000	18577
5MV0 100662	Theater Equipment Maintenance	\$	80,891	\$	80,891	18578
5NM0 100663	911 Program	\$	290,000	\$	290,000	18579
TOTAL SSR State Special Revenue						18580
Fund Group		\$	3,399,257	\$	1,360,891	18581
TOTAL ALL BUDGET FUND GROUPS						18582
		\$	<del>496,790,074</del>	\$	487,186,193	
			<u>494,790,074</u>			

**Sec. 209.30. LONG-TERM CARE OMBUDSMAN** 18584

The foregoing appropriation item 490410, Long-Term Care 18585  
 Ombudsman, shall be used to fund ombudsman program activities as 18586  
 authorized in sections 173.14 to 173.27 and section 173.99 of the 18587  
 Revised Code. 18588

The State Ombudsman may explore the design of a payment 18589  
 method for the Ombudsman Program that includes a 18590  
 pay-for-performance incentive component that is earned by 18591  
 designated regional long-term care ombudsman programs. 18592

MYCARE OHIO 18593

The foregoing appropriation items 490410, Long-Term Care 18594

Ombudsman, 490618, Federal Aging Grants, 490612, Federal Independence Services, 490609, Regional Long-Term Care Ombudsman Program, and 490620, Ombudsman Support, may be used by the Office of the State Long-Term Care Ombudsman to provide ombudsman program activities as described in sections 173.14 to 173.27 and section 173.99 of the Revised Code to consumers participating in MyCare Ohio.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients.

ALZHEIMER'S RESPITE

The foregoing appropriation item 490414, Alzheimer's Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, shall be used by the Department of Aging to fund grants for three Corporation for National and Community Service/Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to

support priorities established by the Department and the Ohio 18626  
State Office of the Corporation for National and Community 18627  
Service. The expenditure of these funds by any grant recipient 18628  
shall be in accordance with Senior Corps policies and procedures, 18629  
as stated in the Domestic Volunteer Service Act of 1973, as 18630  
amended. Neither the Department nor any area agencies on aging 18631  
that are involved in the distribution of these funds to 18632  
lower-tiered grant recipients may use any portion of these funds 18633  
to cover administrative costs. 18634

SENIOR COMMUNITY OUTREACH AND EDUCATION 18635

The foregoing appropriation item 490606, Senior Community 18636  
Outreach and Education, may be used to provide training to workers 18637  
in the field of aging pursuant to division (G) of section 173.02 18638  
of the Revised Code. 18639

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 18640  
AND FEDERAL AGING GRANTS 18641

At the request of the Director of Aging, the Director of 18642  
Budget and Management may transfer appropriation between 18643  
appropriation items 490612, Federal Independence Services, and 18644  
490618, Federal Aging Grants. The amounts transferred shall not 18645  
exceed 30 per cent of the appropriation from which the transfer is 18646  
made. Any transfers shall be reported by the Department of Aging 18647  
to the Controlling Board at the next scheduled meeting of the 18648  
board. 18649

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 18650

The foregoing appropriation item 490609, Regional Long-Term 18651  
Care Ombudsman Program, shall be used to pay the costs of 18652  
operating the regional long-term care ombudsman programs 18653  
designated by the State Long-Term Care Ombudsman. 18654

TRANSFER OF RESIDENT PROTECTION FUNDS 18655

In each fiscal year, the Director of Budget and Management 18656  
may transfer up to \$1,250,000 cash from the Resident Protection 18657  
Fund (Fund 4E30), which is used by the Department of Medicaid, to 18658  
the Ombudsman Support Fund (Fund 5BA0), which is used by the 18659  
Department of Aging. 18660

The Director of Aging and the Office of the State Long-Term 18661  
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 18662  
5BA0) to implement a nursing home quality initiative as specified 18663  
in section 173.60 of the Revised Code. 18664

LONG-TERM CARE CONSUMERS GUIDE 18665

The foregoing appropriation item 490613, Long-Term Care 18666  
Consumers Guide, shall be used to conduct annual consumer 18667  
satisfaction surveys and to pay for other administrative expenses 18668  
related to the publication of the Ohio Long-Term Care Consumer 18669  
Guide. 18670

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE BOARD 18671  
OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS FUND 18672

On July 1, 2013, or as soon as possible thereafter, the 18673  
Director of Health shall certify to the Director of Budget and 18674  
Management the cash balance relating to the Board of Examiners of 18675  
Nursing Home Administrators in the General Operations Fund (Fund 18676  
4700), used by the Department of Health. Upon receiving this 18677  
certification, the Director of Budget and Management may transfer 18678  
this cash from the General Operations Fund (Fund 4700) to the 18679  
Board of Executives of Long-Term Services and Supports Fund (Fund 18680  
5MT0), used by the Department of Aging. If this transfer occurs, 18681  
the Director of Budget and Management shall cancel any existing 18682  
encumbrances pertaining to the Board of Examiners of Nursing Home 18683  
Administrators against appropriation item 440647, Fee Supported 18684  
Programs, and re-establish them against appropriation item 490627, 18685  
Board of Executives of LTSS. The re-established encumbrance 18686

amounts are hereby appropriated. 18687

**Sec. 211.10.** AGR DEPARTMENT OF AGRICULTURE 18688

General Revenue Fund 18689

GRF 700401 Animal Disease Control \$ 3,936,687 \$ 3,936,687 18690

GRF 700403 Dairy Division \$ 1,088,115 \$ 1,088,115 18691

GRF 700404 Ohio Proud \$ 50,000 \$ 50,000 18692

GRF 700406 Consumer Analytical \$ 1,287,556 \$ 1,287,556 18693

Lab

GRF 700407 Food Safety \$ 848,792 \$ 848,792 18694

GRF 700409 Farmland Preservation \$ 72,750 \$ 72,750 18695

GRF 700412 Weights and Measures \$ 600,000 \$ 600,000 18696

GRF 700415 Poultry Inspection \$ 592,978 \$ 592,978 18697

GRF 700418 Livestock Regulation \$ 1,108,071 \$ ~~1,108,071~~ 18698

Program

1,259,484

GRF 700424 Livestock Testing and \$ 102,770 \$ 102,770 18699

Inspections

GRF 700426 Dangerous and \$ 800,000 \$ 800,000 18700

Restricted Animals

GRF 700427 High Volume Breeder \$ 400,000 \$ 200,000 18701

Kennel Control

GRF 700499 Meat Inspection \$ 4,175,097 \$ 4,175,097 18702

Program - State Share

GRF 700501 County Agricultural \$ 391,415 \$ 391,415 18703

Societies

TOTAL GRF General Revenue Fund \$ 15,454,231 \$ ~~15,254,231~~ 18704

15,405,644

General Services Fund Group 18705

5DA0 700644 Laboratory \$ 1,115,000 \$ 1,115,000 18706

Administration

Support

5GH0 700655 Central Support \$ 4,368,013 \$ 4,404,073 18707

Indirect Cost			
TOTAL GSF General Services Fund Group	\$	5,483,013	\$ 5,519,073 18708
Federal Special Revenue Fund Group			18709
3260 700618 Meat Inspection Program - Federal Share	\$	4,450,000	\$ 4,450,000 18710
3360 700617 Ohio Farm Loan Revolving Fund	\$	150,000	\$ 150,000 18711
3820 700601 Cooperative Contracts	\$	4,500,000	\$ 4,500,000 18712
3AB0 700641 Agricultural Easement	\$	1,000,000	\$ 1,000,000 18713
3J40 700607 Indirect Cost	\$	1,100,000	\$ 1,100,000 18714
3R20 700614 Federal Plant Industry	\$	1,606,000	\$ 1,606,000 18715
TOTAL FED Federal Special Revenue Fund Group	\$	12,806,000	\$ 12,806,000 18716
State Special Revenue Fund Group			18718
4900 700651 License Plates - Sustainable Agriculture	\$	10,000	\$ 10,000 18719
4940 700612 Agricultural Commodity Marketing Program	\$	218,000	\$ 213,000 18720
4960 700626 Ohio Grape Industries	\$	970,000	\$ 970,000 18721
4970 700627 Commodity Handlers Regulatory Program	\$	482,672	\$ 482,672 18722
4C90 700605 Commercial Feed and Seed	\$	1,760,000	\$ 1,760,000 18723
4D20 700609 Auction Education	\$	35,000	\$ 35,000 18724
4E40 700606 Utility Radiological Safety	\$	130,000	\$ 130,000 18725
4P70 700610 Food Safety	\$	1,017,328	\$ 1,017,328 18726



		Inspection					
4R00	700636	Ohio Proud Marketing	\$	45,500	\$	45,500	18727
4R20	700637	Dairy Industry	\$	1,738,247	\$	1,738,247	18728
		Inspection					
4T60	700611	Poultry and Meat	\$	120,000	\$	120,000	18729
		Inspection					
5780	700620	Ride Inspection Fees	\$	1,175,142	\$	1,175,142	18730
5880	700633	Brand Registration	\$	5,000	\$	5,000	18731
5B80	700629	Auctioneers	\$	340,000	\$	340,000	18732
5CP0	700652	License Plate	\$	10,000	\$	10,000	18733
		Scholarships					
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000	18734
5H20	700608	Metrology Lab and	\$	552,000	\$	552,000	18735
		Scale Certification					
5L80	700604	Livestock Management	\$	145,000	\$	145,000	18736
		Program					
5MA0	700657	Dangerous and	\$	195,000	\$	195,000	18737
		Restricted Animals					
6520	700634	Animal and Consumer	\$	4,966,383	\$	4,966,383	18738
		Analytical Laboratory					
6690	700635	Pesticide,	\$	3,418,041	\$	3,418,041	18739
		Fertilizer, and Lime					
		Inspection Program					
TOTAL SSR		State Special Revenue					18740
Fund Group			\$	18,523,313	\$	18,518,313	18741
Clean Ohio Conservation Fund Group							18742
7057	700632	Clean Ohio	\$	310,000	\$	310,000	18743
		Agricultural Easement					
TOTAL CLF		Clean Ohio Conservation	\$	310,000	\$	310,000	18744
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	52,576,557	\$	<del>52,407,617</del>	18745
						<u>52,559,030</u>	

DANGEROUS AND RESTRICTED WILD ANIMALS

18746

The foregoing GRF appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program. 18747  
18748  
18749

COUNTY AGRICULTURAL SOCIETIES 18750

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities. 18751  
18752  
18753  
18754

CLEAN OHIO AGRICULTURAL EASEMENT 18755

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement, shall be used by the Department of Agriculture in administering Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code. 18756  
18757  
18758  
18759  
18760

**Sec. 221.10. AGO ATTORNEY GENERAL** 18761

General Revenue Fund 18762

GRF	055321	Operating Expenses	\$	42,514,169	\$	43,114,169	18763
GRF	055405	Law-Related Education	\$	100,000	\$	100,000	18764
GRF	055407	Tobacco Settlement Enforcement	\$	1,500,000	\$	<del>1,500,000</del> 0	18765
GRF	055411	County Sheriffs' Pay Supplement	\$	757,921	\$	757,921	18766
GRF	055415	County Prosecutors' Pay Supplement	\$	831,499	\$	831,499	18767
GRF	055501	Rape Crisis Centers	\$	1,000,000	\$	1,000,000	18768
TOTAL GRF	General Revenue Fund		\$	46,703,589	\$	<del>47,303,589</del> <u>45,803,589</u>	18769

General Services Fund Group 18770

1060 055612 ~~General Reimbursement~~ Attorney General \$ 54,806,192 \$ 55,820,716 18771

		<u>Operating</u>					
1950	055660	Workers' Compensation Section	\$	8,415,504	\$	8,415,504	18772
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	18773
4200	055603	Attorney General Antitrust	\$	1,839,074	\$	1,839,074	18774
4210	055617	Police Officers' Training Academy Fee	\$	500,000	\$	500,000	18775
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	18776
5900	055633	Peace Officer Private Security Fund	\$	79,438	\$	95,325	18777
5A90	055618	Telemarketing Fraud Enforcement	\$	45,000	\$	10,000	18778
5L50	055619	Law Enforcement Assistance Program	\$	375,255	\$	187,627	18779
5LR0	055655	Peace Officer Training - Casino	\$	4,629,409	\$	4,629,409	18780
5MP0	055657	Peace Officer Training Commission	\$	25,000	\$	25,000	18781
6310	055637	Consumer Protection Enforcement	\$	6,700,000	\$	6,834,000	18782
TOTAL GSF General Services Fund							18783
Group			\$	86,700,872	\$	87,642,655	18784
Federal Special Revenue Fund Group							18785
3060	055620	Medicaid Fraud Control	\$	4,537,408	\$	4,628,156	18786
3810	055611	Civil Rights Legal Service	\$	75,000	\$	35,574	18787
3830	055634	Crime Victims Assistance	\$	15,000,000	\$	15,000,000	18788

3E50	055638	Attorney General	\$	599,999	\$	599,999	18789
		Pass-Through Funds					
3FV0	055656	Crime Victim	\$	7,000,000	\$	7,000,000	18790
		Compensation					
3R60	055613	Attorney General	\$	999,999	\$	999,999	18791
		Federal Funds					
TOTAL FED		Federal Special Revenue					18792
Fund Group			\$	28,212,406	\$	28,263,728	18793
State Special Revenue		Fund Group					18794
4020	055616	Victims of Crime	\$	16,456,769	\$	16,456,769	18795
4190	055623	Claims Section	\$	55,920,716	\$	56,937,131	18796
4L60	055606	DARE Programs	\$	3,578,901	\$	3,486,209	18797
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	18798
6590	055641	Solid and Hazardous	\$	310,730	\$	310,730	18799
		Waste Background					
		Investigations					
TOTAL SSR		State Special Revenue					18800
Fund Group			\$	76,867,116	\$	77,790,839	18801
Holding Account		Redistribution Fund Group					18802
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	18803
		Account					
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	18804
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	18805
R042	055601	Organized Crime	\$	25,025	\$	25,025	18806
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	18807
		Redistribution					
TOTAL 090		Holding Account					18808
Redistribution		Fund Group	\$	6,276,025	\$	6,276,025	18809
Tobacco Master Settlement Agreement		Fund Group					18810
U087	055402	Tobacco Settlement	\$	500,000	\$	<del>500,000</del>	18811

Oversight,		<u>2,000,000</u>	
Administration, and			
Enforcement			
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$ 500,000	\$ <del>500,000</del>	18812
		<u>2,000,000</u>	
TOTAL ALL BUDGET FUND GROUPS	\$ 245,260,008	\$ 247,776,836	18813
OHIO BCI FORENSIC RESEARCH AND PROFESSIONAL TRAINING CENTER			18814
Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in fiscal year 2015 shall be used to create the Ohio BCI Forensic Research and Professional Training Center at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields.			18815 18816 18817 18818 18819 18820 18821
COUNTY SHERIFFS' PAY SUPPLEMENT			18822
The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.			18823 18824 18825 18826
At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.			18827 18828 18829 18830 18831 18832
COUNTY PROSECUTORS' PAY SUPPLEMENT			18833
The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.			18834 18835 18836 18837
At the request of the Attorney General, the Director of			18838

Budget and Management may transfer appropriation from 18839  
appropriation item 055321, Operating Expenses, to appropriation 18840  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 18841  
so transferred shall be used to supplement the annual compensation 18842  
of county prosecutors as required by section 325.111 of the 18843  
Revised Code. 18844

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL 18845  
REIMBURSEMENT FUND 18846

Notwithstanding any other provision of law to the contrary, 18847  
on July 1, 2013, or as soon as possible thereafter, the Director 18848  
of Budget and Management shall transfer \$80,000 cash from the 18849  
General Revenue Fund to the General Reimbursement Fund (Fund 18850  
1060). 18851

WORKERS' COMPENSATION SECTION 18852

The Workers' Compensation Fund (Fund 1950) is entitled to 18853  
receive payments from the Bureau of Workers' Compensation and the 18854  
Ohio Industrial Commission at the beginning of each quarter of 18855  
each fiscal year to fund legal services to be provided to the 18856  
Bureau of Workers' Compensation and the Ohio Industrial Commission 18857  
during the ensuing quarter. The advance payment shall be subject 18858  
to adjustment. 18859

In addition, the Bureau of Workers' Compensation shall 18860  
transfer payments at the beginning of each quarter for the support 18861  
of the Workers' Compensation Fraud Unit. 18862

All amounts shall be mutually agreed upon by the Attorney 18863  
General, the Bureau of Workers' Compensation, and the Ohio 18864  
Industrial Commission. 18865

ATTORNEY GENERAL PASS-THROUGH FUNDS 18866

The foregoing appropriation item 055638, Attorney General 18867  
Pass-Through Funds, shall be used to receive federal grant funds 18868

provided to the Attorney General by other state agencies, 18869  
including, but not limited to, the Department of Youth Services 18870  
and the Department of Public Safety. 18871

GENERAL HOLDING ACCOUNT 18872

The foregoing appropriation item 055631, General Holding 18873  
Account, shall be used to distribute moneys under the terms of 18874  
relevant court orders or other settlements received in a variety 18875  
of cases involving the Office of the Attorney General. If it is 18876  
determined that additional amounts are necessary for this purpose, 18877  
the amounts are hereby appropriated. 18878

ANTITRUST SETTLEMENTS 18879

The foregoing appropriation item 055632, Antitrust 18880  
Settlements, shall be used to distribute moneys under the terms of 18881  
relevant court orders or other out of court settlements in 18882  
antitrust cases or antitrust matters involving the Office of the 18883  
Attorney General. If it is determined that additional amounts are 18884  
necessary for this purpose, the amounts are hereby appropriated. 18885

CONSUMER FRAUDS 18886

The foregoing appropriation item 055630, Consumer Frauds, 18887  
shall be used for distribution of moneys from court-ordered 18888  
judgments against sellers in actions brought by the Office of 18889  
Attorney General under sections 1334.08 and 4549.48 and division 18890  
(B) of section 1345.07 of the Revised Code. These moneys shall be 18891  
used to provide restitution to consumers victimized by the fraud 18892  
that generated the court-ordered judgments. If it is determined 18893  
that additional amounts are necessary for this purpose, the 18894  
amounts are hereby appropriated. 18895

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 18896

The foregoing appropriation item 055601, Organized Crime 18897  
Commission Distributions, shall be used by the Organized Crime 18898

Investigations Commission, as provided by section 177.011 of the 18899  
Revised Code, to reimburse political subdivisions for the expenses 18900  
the political subdivisions incur when their law enforcement 18901  
officers participate in an organized crime task force. If it is 18902  
determined that additional amounts are necessary for this purpose, 18903  
the amounts are hereby appropriated. 18904

COLLECTION PAYMENT REDISTRIBUTION 18905

The foregoing appropriation item 055650, Collection Payment 18906  
Redistribution, shall be used for the purpose of allocating the 18907  
revenue where debtors mistakenly paid the client agencies instead 18908  
of the Attorney General's Collections Enforcement Section. If it 18909  
is determined that additional amounts are necessary for this 18910  
purpose, the amounts are hereby appropriated. 18911

OHIO LAW ENFORCEMENT TRAINING FUND RECOMMENDATIONS 18912

By September 1, 2013, the Attorney General, in consultation 18913  
with state and local law enforcement agencies, shall submit to the 18914  
President and Minority Leader of the Senate and the Speaker and 18915  
Minority Leader of the House of Representatives a report 18916  
recommending how to best use moneys collected from the gross 18917  
casino revenue tax, pursuant to Section 6(C)(3)(f) of Article XV, 18918  
Ohio Constitution, and how to best distribute such money for the 18919  
purposes of enhancing public safety and providing additional 18920  
training opportunities to the law enforcement community. The 18921  
report shall expressly include a recommendation for sharing a 18922  
portion of such moneys with local law enforcement agencies 18923  
beginning in fiscal year 2015. 18924

CASH TRANSFERS FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS 18925  
FUND 18926

Notwithstanding section 512.20 of Am. Sub. H.B. 487 of the 18927  
129th General Assembly, on July 1, 2014, or as soon as possible 18928  
thereafter, the Director of Budget and Management may transfer up 18929



to \$8,000,000 cash from the Pre-Securitization Tobacco Payments 18930  
Fund (Fund 5LS0) to the Tobacco Oversight Administration and 18931  
Enforcement Fund (Fund U087). 18932

**Sec. 241.10. COM DEPARTMENT OF COMMERCE** 18933

General Services Fund Group 18934

1630 800620 Division of \$ 6,200,000 \$ 6,200,000 18935  
Administration

1630 800637 Information Technology \$ 6,011,977 \$ 6,011,977 18936

5430 800602 Unclaimed \$ 7,737,546 \$ 7,737,546 18937  
Funds-Operating

5430 800625 Unclaimed Funds-Claims \$ 64,000,000 \$ 64,000,000 18938

5F10 800635 Small Government Fire \$ 300,000 \$ 300,000 18939  
Departments

TOTAL GSF General Services Fund 18940

Group \$ 84,249,523 \$ 84,249,523 18941

Federal Special Revenue Fund Group 18942

3480 800622 Underground Storage \$ 1,129,518 \$ 1,129,518 18943  
Tanks

3480 800624 Leaking Underground \$ 1,556,211 \$ 1,556,211 18944  
Storage Tanks

TOTAL FED Federal Special Revenue 18945

Fund Group \$ 2,685,729 \$ 2,685,729 18946

State Special Revenue Fund Group 18947

4B20 800631 Real Estate Appraisal \$ 35,000 \$ 35,000 18948  
Recovery

4H90 800608 Cemeteries \$ 266,688 \$ 266,688 18949

4X20 800619 Financial Institutions \$ 1,854,298 \$ 1,854,298 18950

5440 800612 Banks \$ 6,836,589 \$ 6,836,589 18951

5450 800613 Savings Institutions \$ 2,259,536 \$ 2,259,536 18952

5460 800610 Fire Marshal \$ 17,336,990 \$ 15,976,408 18953

5460 800639 Fire Department Grants \$ 2,198,802 \$ ~~2,198,802~~ 18954

				<u>5,198,802</u>		
5470 800603	Real Estate	\$	69,655	\$	69,655	18955
	Education/Research					
5480 800611	Real Estate Recovery	\$	50,000	\$	50,000	18956
5490 800614	Real Estate	\$	3,310,412	\$	3,310,412	18957
5500 800617	Securities	\$	4,238,814	\$	4,238,814	18958
5520 800604	Credit Union	\$	3,297,888	\$	3,297,888	18959
5530 800607	Consumer Finance	\$	3,481,692	\$	3,481,692	18960
5560 800615	Industrial Compliance	\$	26,612,520	\$	27,104,205	18961
5FW0 800616	Financial Literacy	\$	200,000	\$	200,000	18962
	Education					
5GK0 800609	Securities Investor	\$	432,150	\$	432,150	18963
	Education/Enforcement					
5HV0 800641	Cigarette Enforcement	\$	118,800	\$	118,800	18964
5LP0 800646	Liquor Regulatory	\$	7,988,921	\$	7,844,537	18965
	Operating Expenses					
<u>5PA0 800647</u>	<u>Bustr Revolving Loan</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>3,000,000</u>	18966
	<u>Program</u>					
5X60 800623	Video Service	\$	337,224	\$	337,224	18967
6530 800629	UST Registration/Permit	\$	<del>3,831,888</del>	\$	<del>3,612,588</del>	18968
	Fee		<u>2,331,888</u>		<u>2,112,588</u>	
6A40 800630	Real Estate	\$	672,973	\$	672,973	18969
	Appraiser-Operating					
TOTAL SSR State Special Revenue						18970
Fund Group		\$	<del>85,430,840</del>	\$	<del>84,198,259</del>	18971
			<u>83,930,840</u>		<u>88,698,259</u>	
Liquor Control Fund Group						18972
5LC0 800644	Liquor JobsOhio	\$	557,974	\$	372,661	18973
	Extraordinary					
	Allowance					
5LN0 800645	Liquor Operating	\$	13,949,342	\$	9,316,535	18974
	Services					
TOTAL LCF Liquor Control						18975

Fund Group	\$	14,507,316	\$	9,689,196	18976
TOTAL ALL BUDGET FUND GROUPS	\$	<del>186,873,408</del>	\$	<del>180,822,707</del>	18977
		<u>185,373,408</u>		<u>185,322,707</u>	

ADMINISTRATIVE ASSESSMENTS 18978

Notwithstanding any other provision of law to the contrary, 18979  
the Division of Administration Fund (Fund 1630) is entitled to 18980  
receive assessments from all operating funds of the Department in 18981  
accordance with procedures prescribed by the Director of Commerce 18982  
and approved by the Director of Budget and Management. 18983

UNCLAIMED FUNDS PAYMENTS 18984

The foregoing appropriation item 800625, Unclaimed 18985  
Funds-Claims, shall be used to pay claims under section 169.08 of 18986  
the Revised Code. If it is determined that additional amounts are 18987  
necessary, the amounts are appropriated. 18988

FIRE DEPARTMENT GRANTS 18989

Of the foregoing appropriation item 800639, Fire Department 18990  
Grants, up to \$2,198,802 in ~~each~~ fiscal year 2014 and \$5,198,802 18991  
in fiscal year 2015 shall be used to make annual grants to the 18992  
following eligible recipients: volunteer fire departments, fire 18993  
departments that serve one or more small municipalities or small 18994  
townships, joint fire districts comprised of fire departments that 18995  
primarily serve small municipalities or small townships, local 18996  
units of government responsible for such fire departments, and 18997  
local units of government responsible for the provision of fire 18998  
protection services for small municipalities or small townships. 18999  
For the purposes of these grants, a private fire company, as that 19000  
phrase is defined in section 9.60 of the Revised Code, that is 19001  
providing fire protection services under a contract to a political 19002  
subdivision of the state, is an additional eligible recipient for 19003  
a training grant. 19004

Eligible recipients that consist of small municipalities or 19005

small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

Except as otherwise provided in this section, the grants

shall be used by recipients to purchase firefighting or rescue 19038  
equipment or gear or similar items, to provide full or partial 19039  
reimbursement for the documented costs of firefighter training, 19040  
or, at the discretion of the State Fire Marshal, to cover fire 19041  
department costs for providing fire protection services in that 19042  
grant recipient's jurisdiction. 19043

Of the foregoing appropriation item 800639, Fire Department 19044  
Grants, up to \$500,000 per fiscal year may be used to pay for the 19045  
State Fire Marshal's costs of providing firefighter I 19046  
certification classes or other firefighter classes approved by the 19047  
Department of Public Safety in accordance with section 4765.55 of 19048  
the Revised Code at no cost to selected students attending the 19049  
Ohio Fire Academy or other class providers approved by the State 19050  
Fire Marshal. The State Fire Marshal may establish the 19051  
qualifications and selection processes for students to attend such 19052  
classes by written policy, and such students shall be considered 19053  
eligible recipients of fire department grants for the purposes of 19054  
this portion of the grant program. 19055

For purposes of this section, a MARCS Grant is a grant for 19056  
systems, equipment, or services that are a part of, integrated 19057  
into, or otherwise interoperable with the Multi-Agency Radio 19058  
Communication System (MARCS) operated by the state. 19059

Of the foregoing appropriation item 800639, Fire Department 19060  
Grants, up to \$3,000,000 in fiscal year 2015 may be used for MARCS 19061  
Grants. MARCS Grants may be used for the payment of user access 19062  
fees by the eligible recipient to access MARCS. 19063

MARCS Grant awards may be up to \$50,000 in fiscal year 2015 19064  
per eligible recipient. Each eligible recipient may only apply, as 19065  
a separate entity or as a part of a joint application, for one 19066  
MARCS Grant per fiscal year. Eligible recipients that are or were 19067  
awarded fire department grants that are not MARCS Grants may also 19068  
apply for and receive MARCS Grants in accordance with criteria for 19069

the awarding of grant funds established by the State Fire Marshal. 19070

Grant awards for firefighting or rescue equipment or gear or 19071  
for fire department costs of providing fire protection services 19072  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 19073  
fiscal year if an eligible entity serves a jurisdiction in which 19074  
the Governor declared a natural disaster during the preceding or 19075  
current fiscal year in which the grant was awarded. In addition to 19076  
any grant funds awarded for rescue equipment or gear, or for fire 19077  
department costs associated with the provision of fire protection 19078  
services, an eligible entity may receive a grant for up to \$15,000 19079  
per fiscal year for full or partial reimbursement of the 19080  
documented costs of firefighter training. For each fiscal year, 19081  
the State Fire Marshal shall determine the total amounts to be 19082  
allocated for each eligible purpose. 19083

The grant program shall be administered by the State Fire 19084  
Marshal in accordance with rules the State Fire Marshal adopts as 19085  
part of the state fire code adopted pursuant to section 3737.82 of 19086  
the Revised Code that are necessary for the administration and 19087  
operation of the grant program. The rules may further define the 19088  
entities eligible to receive grants and establish criteria for the 19089  
awarding and expenditure of grant funds, including methods the 19090  
State Fire Marshal may use to verify the proper use of grant funds 19091  
or to obtain reimbursement for or the return of equipment for 19092  
improperly used grant funds. To the extent consistent with this 19093  
section and until such time as the rules are updated, the existing 19094  
rules in the state fire code adopted pursuant to section 3737.82 19095  
of the Revised Code for fire department grants under this section 19096  
apply to MARCS Grants. Any amounts in appropriation item 800639, 19097  
Fire Department Grants, in excess of the amount allocated for 19098  
these grants may be used for the administration of the grant 19099  
program. 19100

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 19101

The Director of Budget and Management, upon the request of 19102  
the Director of Commerce, may transfer up to \$500,000 in cash from 19103  
the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in 19104  
cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to 19105  
the Division of Real Estate Operating Fund (Fund 5490) during the 19106  
biennium ending June 30, 2015. 19107

**Sec. 257.10. DEV DEVELOPMENT SERVICES AGENCY** 19108

General Revenue Fund 19109

GRF 195402 Coal Research \$ 261,205 \$ 261,405 19110  
Operating

GRF 195405 Minority Business \$ 1,693,691 \$ 1,693,691 19111  
Development

GRF 195407 Travel and Tourism \$ 1,300,000 \$ 0 19112

GRF 195415 Business Development \$ 2,413,387 \$ 2,413,387 19113  
Services

GRF 195426 Redevelopment \$ 1,968,365 \$ 468,365 19114  
Assistance

GRF 195497 CDBG Operating Match \$ 1,015,000 \$ 1,015,000 19115

GRF 195501 Appalachian Local \$ 440,000 \$ 440,000 19116  
Development Districts

GRF 195532 Technology Programs \$ 13,547,341 \$ 13,547,341 19117  
and Grants

GRF 195533 Business Assistance \$ 4,205,774 \$ 4,205,774 19118

GRF 195535 Appalachia Assistance \$ 3,846,482 \$ 3,846,482 19119

GRF 195537 Ohio-Israel \$ 150,000 \$ 150,000 19120  
Agricultural  
Initiative

GRF 195901 Coal Research & \$ 2,858,900 \$ 4,327,200 19121  
Development General  
Obligation Debt  
Service

GRF	195905	Third Frontier	\$	<del>66,511,600</del>	\$	<del>83,783,000</del>	19122
		Research &		<u>61,911,600</u>		<u>78,483,000</u>	
		Development General					
		Obligation Debt					
		Service					
GRF	195912	Job Ready Site	\$	<del>15,498,400</del>	\$	19,124,500	19123
		Development General		<u>13,198,400</u>			
		Obligation Debt					
		Service					
TOTAL GRF		General Revenue Fund	\$	<del>115,710,145</del>	\$	<del>135,276,145</del>	19124
				<u>108,810,145</u>		<u>129,976,145</u>	
General Services Fund Group							19125
1350	195684	Development Services	\$	10,800,000	\$	10,800,000	19126
		Operations					
4W10	195646	Minority Business	\$	2,500,000	\$	2,500,000	19127
		Enterprise Loan					
5KN0	195640	Local Government	\$	20,730,986	\$	21,900,000	19128
		Innovation					
5MB0	195623	Business Incentive	\$	15,000,000	\$	0	19129
		Grants					
5MK0	195600	Vacant Facilities	\$	1,000,000	\$	1,000,000	19130
		Grant					
5W50	195690	Travel and Tourism	\$	150,000	\$	150,000	19131
		Cooperative Projects					
6850	195636	Development Services	\$	700,000	\$	700,000	19132
		Reimbursable					
		Expenditures					
TOTAL GSF		General Services Fund					19133
Group			\$	50,880,986	\$	37,050,000	19134
Federal Special Revenue Fund Group							19135
3080	195602	Appalachian Regional	\$	475,000	\$	475,000	19136
		Commission					



3080	195603	Housing Assistance Programs	\$	10,000,000	\$	10,000,000	19137
3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	19138
3080	195618	Energy Grants	\$	9,307,779	\$	4,109,193	19139
3080	195670	Home Weatherization Program	\$	17,000,000	\$	17,000,000	19140
3080	195671	Brownfield Redevelopment	\$	5,000,000	\$	5,000,000	19141
3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305	19142
3080	195675	Procurement Technical Assistance	\$	600,000	\$	600,000	19143
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000	19144
3350	195610	Energy Programs	\$	200,000	\$	200,000	19145
3AE0	195643	Workforce Development Initiatives	\$	1,800,000	\$	1,800,000	19146
3DB0	195642	Federal Stimulus - Energy Efficiency & Conservation Block Grants	\$	38,152	\$	0	19147
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	32,046,846	\$	5,655,326	19148
3FJ0	195661	Technology Targeted Investment Program	\$	12,750,410	\$	2,250,072	19149
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	19150
3K90	195611	Home Energy Assistance Block Grant	\$	172,000,000	\$	172,000,000	19151

3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	19152
3L00	195612	Community Services Block Grant	\$	27,240,217	\$	27,240,217	19153
3V10	195601	HOME Program	\$	30,000,000	\$	30,000,000	19154
TOTAL FED Federal Special Revenue							19155
Fund Group			\$	417,389,090	\$	375,260,494	19156
State Special Revenue Fund Group							19157
4500	195624	Minority Business Bonding Program Administration	\$	74,868	\$	74,905	19158
4510	195649	Business Assistance Programs	\$	6,300,800	\$	6,700,800	19159
4F20	195639	State Special Projects	\$	102,145	\$	102,104	19160
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	19161
5CG0	195679	Alternative Fuel Transportation	\$	750,000	\$	750,000	19162
5HR0	195526	Incumbent Workforce Training Vouchers	\$	30,000,000	\$	30,000,000	19163
5HR0	195622	Defense Development Assistance	\$	5,000,000	\$	5,000,000	19164
5JR0	195635	Redevelopment Program Support	\$	100,000	\$	100,000	19165
5KP0	195645	Historic Rehab Operating	\$	650,000	\$	650,000	19166
5LU0	195673	Racetrack Facility Community Economic Redevelopment Fund	\$	12,000,000	\$	0	19167
5M40	195659	Low Income Energy Assistance (USF)	\$	350,000,000	\$	350,000,000	19168
5M50	195660	Advanced Energy Loan Programs	\$	8,000,000	\$	8,000,000	19169
5MH0	195644	SiteOhio	\$	100,000	\$	100,000	19170

		Administration					
5MJ0	195683	TourismOhio	\$	8,000,000	\$	8,000,000	19171
		Administration					
5W60	195691	International Trade	\$	18,000	\$	18,000	19172
		Cooperative Projects					
6170	195654	Volume Cap	\$	32,562	\$	32,562	19173
		Administration					
6460	195638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	19174
TOTAL SSR		State Special Revenue					19175
Fund Group			\$	474,628,375	\$	463,028,371	19176
Facilities Establishment		Fund Group					19177
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	19178
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000	19179
7010	195665	Research and Development	\$	22,000,000	\$	22,000,000	19180
7037	195615	Facilities Establishment	\$	50,000,000	\$	50,000,000	19181
TOTAL 037		Facilities Establishment					19182
Fund Group			\$	90,000,000	\$	90,000,000	19183
Clean Ohio Revitalization		Fund					19184
7003	195663	Clean Ohio Program	\$	950,000	\$	950,000	19185
TOTAL 7003		Clean Ohio Revitalization	\$	950,000	\$	950,000	19186
Fund							
Third Frontier Research & Development		Fund Group					19187
7011	195686	Third Frontier Operating	\$	1,149,750	\$	1,149,750	19188
7011	195687	Third Frontier Research & Development Projects	\$	90,850,250	\$	90,850,250	19189

7014	195620	Third Frontier Operating - Tax	\$	1,700,000	\$	1,700,000	19190
7014	195692	Research & Development Taxable Bond Projects	\$	38,300,000	\$	38,300,000	19191
TOTAL	011	Third Frontier Research & Development Fund Group	\$	132,000,000	\$	132,000,000	19192
		Job Ready Site Development Fund Group					19193
7012	195688	Job Ready Site Development	\$	800,000	\$	800,000	19194
TOTAL	012	Job Ready Site Development Fund Group	\$	800,000	\$	800,000	19195
		Tobacco Master Settlement Agreement Fund Group					19196
M087	195435	Biomedical Research and Technology Transfer	\$	1,896,595	\$	1,906,025	19197
TOTAL	TSF	Tobacco Master Settlement Agreement Fund Group	\$	1,896,595	\$	1,906,025	19198
TOTAL	ALL	BUDGET FUND GROUPS	\$	<del>1,284,255,191</del>	\$	<del>1,236,271,035</del>	19199
				<u>1,277,355,191</u>		<u>1,230,971,035</u>	

**Sec. 259.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 19201

		General Revenue Fund					19202
GRF	320412	Protective Services	\$	1,918,196	\$	1,918,196	19203
GRF	320415	Lease-Rental Payments	\$	<del>15,843,300</del>	\$	16,076,700	19204
				<u>14,743,300</u>			
GRF	322420	Screening and Early Intervention	\$	300,000	\$	300,000	19205
GRF	322451	Family Support Services	\$	5,932,758	\$	5,932,758	19206
GRF	322501	County Boards Subsidies	\$	44,449,280	\$	44,449,280	19207

GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	19208
GRF	322507	County Board Case Management	\$	2,500,000	\$	2,500,000	19209
GRF	322508	Employment First Pilot Program	\$	3,000,000	\$	3,000,000	19210
GRF	653321	Medicaid Program Support - State	\$	6,186,694	\$	6,186,694	19211
GRF	653407	Medicaid Services	\$	430,056,111	\$	437,574,237	19212
TOTAL GRF	General Revenue Fund		\$	<del>524,186,339</del>	\$	531,937,865	19213
				<u>523,086,339</u>			
General Services Fund Group							19214
1520	653609	DC and Residential Operating Services	\$	3,414,317	\$	3,414,317	19215
TOTAL GSF	General Services Fund Group		\$	3,414,317	\$	3,414,317	19216
Federal Special Revenue Fund Group							19217
3A50	320613	DD Council	\$	3,297,656	\$	3,324,187	19218
3250	322612	Community Social Service Programs	\$	10,604,896	\$	10,604,896	19219
3A40	653604	DC & ICF/IID Program Support	\$	8,013,611	\$	8,013,611	19220
3A40	653605	DC and Residential Services and Support	\$	159,548,565		159,548,565	19221
3A40	653653	ICF/IID	\$	354,712,840	\$	353,895,717	19222
3G60	653639	Medicaid Waiver Services	\$	932,073,249	\$	1,025,921,683	19223
3G60	653640	Medicaid Waiver Program Support	\$	36,934,303	\$	36,170,872	19224
3M70	653650	CAFS Medicaid	\$	3,000,000	\$	3,000,000	19225
TOTAL FED	Federal Special Revenue Fund Group		\$	1,508,185,120	\$	1,600,479,531	19226
State Special Revenue Fund Group							19227

5GE0	320606	Operating and Services	\$	7,407,297	\$	7,407,297	19228
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000	19229
5DJ0	322625	Targeted Case Management Match	\$	33,750,000	\$	37,260,000	19230
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	19231
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000	19232
5JX0	322651	Interagency Workgroup - Autism	\$	45,000		45,000	19233
4890	653632	DC Direct Care Services	\$	16,497,169	\$	16,497,169	19234
5CT0	653607	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	19235
5DJ0	653626	Targeted Case Management Services	\$	91,740,000	\$	100,910,000	19236
5EV0	653627	Medicaid Program Support	\$	685,000	\$	685,000	19237
5GE0	653606	ICF/IID and Waiver Match	\$	40,353,139	\$	39,106,638	19238
5S20	653622	Medicaid Admin and Oversight	\$	17,341,201	\$	19,032,154	19239
5Z10	653624	County Board Waiver Match	\$	284,740,000	\$	336,480,000	19240
TOTAL SSR	State Special Revenue		\$	494,618,806	\$	559,483,258	19241
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	<del>2,530,404,582</del>	\$	2,695,314,971	19242
				<u>2,529,304,582</u>			
<b>Sec. 263.10.</b>	EDU DEPARTMENT OF EDUCATION						19244
General Revenue Fund							19245
GRF 200321	Operating Expenses		\$	13,142,780	\$	13,142,780	19246

GRF 200408	Early Childhood Education	\$	33,318,341	\$	45,318,341	19247
GRF 200420	Information Technology Development and Support	\$	4,241,296	\$	4,241,296	19248
GRF 200421	Alternative Education Programs	\$	7,403,998	\$	7,403,998	19249
GRF 200422	School Management Assistance	\$	3,000,000	\$	3,000,000	19250
GRF 200424	Policy Analysis	\$	328,558	\$	328,558	19251
GRF 200425	Tech Prep Consortia Support	\$	260,542	\$	260,542	19252
GRF 200426	Ohio Educational Computer Network	\$	29,625,569	\$	19,625,569	19253
GRF 200427	Academic Standards	\$	3,800,000	\$	3,800,000	19254
GRF 200437	Student Assessment	\$	55,895,000	\$	75,895,000	19255
GRF 200439	Accountability/Report Cards	\$	3,500,000	\$	3,750,000	19256
GRF 200442	Child Care Licensing	\$	827,140	\$	827,140	19257
GRF 200446	Education Management Information System	\$	6,833,070	\$	6,833,070	19258
GRF 200447	GED Testing	\$	879,551	\$	879,551	19259
GRF 200448	Educator Preparation	\$	1,136,737	\$	1,564,237	19260
GRF 200455	Community Schools and Choice Programs	\$	2,438,685	\$	2,491,395	19261
GRF 200464	General Technology Operations	\$	192,097	\$	192,097	19262
GRF 200465	Technology Integration and Professional Development	\$	1,778,879	\$	1,778,879	19263
GRF 200502	Pupil Transportation	\$	505,013,527	\$	521,013,527	19264
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	19265
GRF 200511	Auxiliary Services	\$	130,499,457	\$	138,214,374	19266

GRF 200532	Nonpublic Administrative Cost Reimbursement	\$ 58,951,750	\$ 62,436,882	19267
GRF 200540	Special Education Enhancements	\$ 156,871,292	\$ 157,871,292	19268
GRF 200545	Career-Technical Education Enhancements	\$ 9,372,999	\$ 9,372,999	19269
GRF 200550	Foundation Funding	\$ 5,808,098,389	\$ 6,151,463,768	19270
GRF 200566	Literacy Improvement	\$ 150,000	\$ 150,000	19271
GRF 200901	Property Tax Allocation - Education	<del>\$ 1,138,800,000</del> <u>1,126,800,000</u>	<del>\$ 1,156,402,000</del> <u>1,146,402,000</u>	19272
TOTAL GRF General Revenue Fund		<del>\$ 7,985,459,657</del> <u>7,973,459,657</u>	<del>\$ 8,397,357,295</del> <u>8,387,357,295</u>	19273
General Services Fund Group				19274
1380 200606	Information Technology Development and Support	\$ 6,850,090	\$ 6,850,090	19275
4520 200638	Fees and Refunds	\$ 500,000	\$ 500,000	19276
4L20 200681	Teacher Certification and Licensure	\$ 8,313,762	\$ 13,658,274	19277
5960 200656	Ohio Career Information System	\$ 529,761	\$ 529,761	19278
5H30 200687	School District Solvency Assistance	\$ 25,000,000	\$ 25,000,000	19279
<u>5JC0 200629</u>	<u>Career Advising and Mentoring</u>	<u>\$ 0</u>	<u>\$ 10,000,000</u>	19280
<u>5JC0 200654</u>	<u>Adult Career Opportunity Pilot Program</u>	<u>\$ 0</u>	<u>\$ 2,500,000</u>	19281
5KX0 200691	Ohio School Sponsorship Program	\$ 487,419	\$ 487,419	19282
5KY0 200693	Community Schools	\$ 83,000	\$ 83,000	19283



Temporary Sponsorship

TOTAL GSF General Services				19284
Fund Group	\$	41,764,032	\$ <del>47,108,544</del>	19285
			<u>59,608,544</u>	
Federal Special Revenue Fund Group				19286
3090 200601 Neglected and Delinquent Education	\$	2,168,642	\$ 2,168,642	19287
3670 200607 School Food Services	\$	8,200,664	\$ 8,700,149	19288
3700 200624 Education of Exceptional Children	\$	1,530,000	\$ 1,530,000	19289
3AF0 200603 Schools Medicaid Administrative Claims	\$	750,000	\$ 750,000	19290
3AN0 200671 School Improvement Grants	\$	20,400,000	\$ 20,400,000	19291
3BK0 200628 Longitudinal Data Systems	\$	1,250,000	\$ 0	19292
3C50 200661 Early Childhood Education	\$	14,554,749	\$ 14,554,749	19293
3CG0 200646 Teacher Incentive	\$	15,125,588	\$ 15,183,285	19294
3D20 200667 Math Science Partnerships	\$	6,000,000	\$ 6,000,000	19295
3EC0 200653 Teacher Incentive - Federal Stimulus	\$	1,300,000	\$ 0	19296
3EH0 200620 Migrant Education	\$	2,900,000	\$ 2,900,000	19297
3EJ0 200622 Homeless Children Education	\$	2,600,000	\$ 2,600,000	19298
3EK0 200637 Advanced Placement	\$	450,000	\$ 450,000	19299
3EN0 200655 State Data Systems - Federal Stimulus	\$	1,250,000	\$ 0	19300
3FD0 200665 Race to the Top	\$	136,000,000	\$ 58,074,046	19301
3FN0 200672 Early Learning Challenge - Race to the Top	\$	7,040,000	\$ 7,040,000	19302

3GE0	200674	Summer Food Service Program	\$	13,596,000	\$	14,003,800	19303
3GF0	200675	Miscellaneous Nutrition Grants	\$	700,000	\$	700,000	19304
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,738,000	\$	4,880,140	19305
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	19306
3L60	200617	Federal School Lunch	\$	350,608,075	\$	361,126,273	19307
3L70	200618	Federal School Breakfast	\$	108,480,590	\$	112,819,813	19308
3L80	200619	Child/Adult Food Programs	\$	106,992,650	\$	110,202,428	19309
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900	19310
3M00	200623	ESEA Title 1A	\$	560,000,000	\$	560,000,000	19311
3M20	200680	Individuals with Disabilities Education Act	\$	443,170,050	\$	443,170,050	19312
3T40	200613	Public Charter Schools	\$	500,000	\$	0	19313
3Y20	200688	21st Century Community Learning Centers	\$	48,201,810	\$	50,611,900	19314
3Y60	200635	Improving Teacher Quality	\$	101,900,000	\$	101,900,000	19315
3Y70	200689	English Language Acquisition	\$	9,700,000	\$	9,700,000	19316
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000	19317
3Z20	200690	State Assessments	\$	11,800,000	\$	11,800,000	19318
3Z30	200645	Consolidated Federal Grant Administration	\$	7,949,280	\$	7,949,280	19319

TOTAL FED Federal Special				19320
Revenue Fund Group	\$ 2,038,044,998	\$ 1,977,403,455		19321
State Special Revenue Fund Group				19322
4540 200610 GED Testing	\$ 1,050,000	\$ 250,000		19323
4550 200608 Commodity Foods	\$ 24,000,000	\$ 24,000,000		19324
4R70 200695 Indirect Operational Support	\$ 6,600,000	\$ 6,600,000		19325
4V70 200633 Interagency Program Support	\$ 717,725	\$ 717,725		19326
5980 200659 Auxiliary Services Reimbursement	\$ 1,328,910	\$ 1,328,910		19327
5BJ0 200626 Half-Mill Maintenance Equalization	\$ 19,000,000	\$ 20,000,000		19328
5MM0 200677 Child Nutrition Refunds	\$ 500,000	\$ 500,000		19329
5T30 200668 Gates Foundation Grants	\$ 200,000	\$ 153,000		19330
5U20 200685 National Education Statistics	\$ 300,000	\$ 300,000		19331
6200 200615 Educational Improvement Grants	\$ 300,000	\$ 300,000		19332
TOTAL SSR State Special Revenue				19333
Fund Group	\$ 53,996,635	\$ 54,149,635		19334
Lottery Profits Education Fund Group				19335
7017 200612 Foundation Funding	\$ 775,500,000	\$ 853,000,000		19336
7017 200648 Straight A Fund	\$ 100,000,000	\$ 150,000,000		19337
7017 200666 EdChoice Expansion	\$ 8,500,000	\$ 17,000,000		19338
7017 200684 Community School Facilities	\$ 7,500,000	\$ 7,500,000		19339
TOTAL LPE Lottery Profits				19340
Education Fund Group	\$ 891,500,000	\$ 1,027,500,000		19341
Revenue Distribution Fund Group				19342

7047	200909	School District	\$	482,000,000	\$	482,000,000	19343
		Property Tax					
		Replacement-Business					
7053	200900	School District	\$	28,000,000	\$	28,000,000	19344
		Property Tax					
		Replacement-Utility					
TOTAL RDF Revenue Distribution							19345
Fund Group			\$	510,000,000	\$	510,000,000	19346
TOTAL ALL BUDGET FUND GROUPS				<del>\$11,520,765,322</del>		<del>\$12,013,518,929</del>	19347
				<u>11,508,765,322</u>		<u>12,016,018,929</u>	

**Sec. 263.230. FOUNDATION FUNDING** 19349

Of the foregoing appropriation item 200550, Foundation 19350  
 Funding, up to \$675,000 in fiscal year 2014 shall be used to 19351  
 support the work of the College of Education and Human Ecology at 19352  
 the Ohio State University in reviewing and assessing the alignment 19353  
 of courses offered through the distance learning clearinghouse 19354  
 established in sections 3333.81 to 3333.88 of the Revised Code 19355  
 with the academic content standards adopted under division (A) of 19356  
 section 3301.079 of the Revised Code. 19357

Of the foregoing appropriation item 200550, Foundation 19358  
 Funding, up to \$40,000,000 in each fiscal year shall be used to 19359  
 provide additional state aid to school districts, joint vocational 19360  
 school districts, community schools, and STEM schools for special 19361  
 education students under division (C)(3) of section 3314.08, 19362  
 section 3317.0214, division (B) of section 3317.16, and section 19363  
 3326.34 of the Revised Code, except that the Controlling Board may 19364  
 increase these amounts if presented with such a request from the 19365  
 Department of Education at the final meeting of the fiscal year. 19366

Of the foregoing appropriation item 200550, Foundation 19367  
 Funding, up to \$2,000,000 in each fiscal year shall be reserved 19368  
 for Youth Services tuition payments under section 3317.024 of the 19369

Revised Code. 19370

Of the foregoing appropriation item 200550, Foundation 19371  
Funding, up to \$3,800,000 in each fiscal year shall be used to 19372  
fund gifted education at educational service centers. The 19373  
Department shall distribute the funding through the unit-based 19374  
funding methodology in place under division (L) of section 19375  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 19376  
and (C) of section 3317.053 of the Revised Code as they existed 19377  
prior to fiscal year 2010. 19378

Of the foregoing appropriation item 200550, Foundation 19379  
Funding, up to \$43,500,000 in fiscal year 2014 and up to 19380  
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 19381  
state reimbursement of educational service centers under the 19382  
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 19383  
entitled "EDUCATIONAL SERVICE CENTERS FUNDING"; and up to 19384  
\$3,500,000 in each fiscal year shall be distributed to educational 19385  
service centers for School Improvement Initiatives and, in 19386  
consultation with the Governor's Director of 21st Century 19387  
Education, for the provision of technical assistance as required 19388  
by the Elementary and Secondary Education Act Flexibility waivers 19389  
approved for Ohio by the United States Department of Education. 19390  
Educational service centers shall be required to support districts 19391  
in the development and implementation of their continuous 19392  
improvement plans as required in section 3302.04 of the Revised 19393  
Code and to provide technical assistance and support in accordance 19394  
with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 19395  
1425, 20 U.S.C. 6317, as administered pursuant to the Elementary 19396  
and Secondary Education Act Flexibility waivers approved for Ohio 19397  
by the United States Department of Education. 19398

Of the foregoing appropriation item 200550, Foundation 19399  
Funding, up to \$20,000,000 in each fiscal year shall be reserved 19400  
for payments under sections 3317.026, 3317.027, and 3317.028 of 19401

the Revised Code. If this amount is not sufficient, the Department 19402  
of Education shall prorate the payment amounts so that the 19403  
aggregate amount allocated in this paragraph is not exceeded. 19404

Of the foregoing appropriation item 200550, Foundation 19405  
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 19406  
career-technical planning districts for the amounts reimbursed to 19407  
students, as prescribed in this paragraph. Each career-technical 19408  
planning district shall reimburse individuals taking the online 19409  
General Educational Development (GED) test for the first time for 19410  
application/test fees in excess of \$40. Each career-technical 19411  
planning district shall designate a site or sites where 19412  
individuals may register and take the exam. For each individual 19413  
that registers for the exam, the career-technical planning 19414  
district shall make available and offer career counseling 19415  
services, including information on adult education programs that 19416  
are available. Any remaining funds in each fiscal year shall be 19417  
reimbursed to the Department of Youth Services and the Department 19418  
of Rehabilitation and Correction for individuals in these 19419  
facilities who have taken the GED for the first time. The amounts 19420  
reimbursed shall not exceed the per-individual amounts reimbursed 19421  
to other individuals under this section for each section of the 19422  
GED. 19423

Of the foregoing appropriation item 200550, Foundation 19424  
Funding, up to \$410,000 in each fiscal year shall be used to pay 19425  
career-technical planning districts \$500 for each student that 19426  
receives a journeyman certification, as recognized by the United 19427  
States Department of Labor, and to pay a career-technical planning 19428  
district \$125 per full-time equivalent student who successfully 19429  
completes the portion of an apprenticeship program offered by a 19430  
private entity as specified in the agreement under section 3313.91 19431  
of the Revised Code. The district shall apply to the Department 19432  
for the apprenticeship program funding. 19433

Of the foregoing appropriation item 200550, Foundation 19434  
Funding, up to \$18,713,327 in each fiscal year shall be used to 19435  
support school choice programs. 19436

Of the portion of the funds distributed to the Cleveland 19437  
Municipal School District under this section, up to \$11,901,887 in 19438  
each fiscal year shall be used to operate the school choice 19439  
program in the Cleveland Municipal School District under sections 19440  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 19441  
divisions (B) and (C) of section 3313.978 and division (C) of 19442  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 19443  
fiscal year of this amount shall be used by the Cleveland 19444  
Municipal School District to provide tutorial assistance as 19445  
provided in division (H) of section 3313.974 of the Revised Code. 19446  
The Cleveland Municipal School District shall report the use of 19447  
these funds in the district's three-year continuous improvement 19448  
plan as described in section 3302.04 of the Revised Code in a 19449  
manner approved by the Department of Education. 19450

Of the foregoing appropriation item 200550, Foundation 19451  
Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay 19452  
college-preparatory boarding schools the per pupil boarding amount 19453  
pursuant to section 3328.34 of the Revised Code. 19454

Of the foregoing appropriation item 200550, Foundation 19455  
Funding, up to \$500,000 in each fiscal year shall be used to 19456  
support Jobs for Ohio's Graduates. 19457

Of the foregoing appropriation item 200550, Foundation 19458  
Funding, up to \$250,000 in fiscal year 2015 may be used for 19459  
payment of the Post-Secondary Enrollment Options Program for 19460  
students instructed at home pursuant to section 3321.04 of the 19461  
Revised Code. 19462

Of the foregoing appropriation item 200550, Foundation 19463  
Funding, up to \$5,000,000 in fiscal year 2014 shall be used to 19464

reimburse school districts for the full amount deducted in that 19465  
year under section 3310.55 of the Revised Code for Jon Peterson 19466  
Scholarships awarded under sections 3310.51 to 3310.64 of the 19467  
Revised Code to students who did not attend a public school in 19468  
their resident district in the previous school year. If this 19469  
amount is not sufficient, the Department of Education shall 19470  
prorate the payment amounts so that the aggregate amount 19471  
appropriated in this paragraph is not exceeded. 19472

Of the foregoing appropriation item 200550, Foundation 19473  
Funding, an amount shall be available in each fiscal year to be 19474  
paid to joint vocational school districts in accordance with 19475  
division (A) of section 3317.16 of the Revised Code and the 19476  
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 19477  
entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 19478  
DISTRICTS." 19479

Of the foregoing appropriation item 200550, Foundation 19480  
Funding, up to \$700,000 in each fiscal year shall be used by the 19481  
Department of Education for a program to pay for educational 19482  
services for youth who have been assigned by a juvenile court or 19483  
other authorized agency to any of the facilities described in 19484  
division (A) of the section of ~~this act~~ Am. Sub. H.B. 59 of the 19485  
130th General Assembly entitled "PRIVATE TREATMENT FACILITY 19486  
PROJECT." 19487

Of the foregoing appropriation item 200550, Foundation 19488  
Funding, up to \$675,000 in fiscal year 2015 shall be used to 19489  
provide grants on a competitive basis to public and chartered 19490  
nonpublic schools for their participation in the electronic 19491  
textbook pilot project. These funds shall be administered as 19492  
provided under the section of ~~this act~~ Am. Sub. H.B. 59 of the 19493  
130th General Assembly entitled ELECTRONIC TEXTBOOK PILOT PROJECT. 19494

Of the foregoing appropriation item 200550, Foundation 19495  
Funding, up to \$500,000 in fiscal year 2014 and up to \$3,000,000 19496



in fiscal year 2015 shall be used for the New Leaders for Ohio Schools Pilot Project in accordance with Section 733.40 of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly.

The remainder of appropriation item 200550, Foundation Funding, shall be used to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code and the section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS-" and the amounts calculated under section 3317.162 of the Revised Code.

Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, and joint vocational school districts under ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget in each fiscal year, in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department of Education's budget to meet state formula aid obligations, the Department of Education shall seek approval from the Controlling Board to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and

267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 19529  
amounts substantially equal to those made in the prior year, or 19530  
otherwise, at the discretion of the Superintendent, until at least 19531  
the effective date of the amendments and enactments made to Title 19532  
XXXIII by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly. 19533  
If a new school district, community school, or STEM school opens 19534  
prior to the effective date of ~~this act~~ Am. Sub. H.B. 59 of the 19535  
130th General Assembly, the Department of Education shall pay to 19536  
the district or school an amount of \$5,000 per pupil, based upon 19537  
the estimated number of students that the district or school is 19538  
expected to serve. Any funds paid to districts or schools under 19539  
this section shall be credited toward the annual funds calculated 19540  
for the district or school after the changes made to Title XXXIII 19541  
in ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly are 19542  
effective. Upon the effective date of changes made to Title XXXIII 19543  
in ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, funds 19544  
shall be calculated as an annual amount. 19545

**Sec. 263.240. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 19546**  
EXEMPTED VILLAGE SCHOOL DISTRICTS 19547

The Department of Education shall distribute funds within 19548  
appropriation item 200550, Foundation Funding, for temporary 19549  
transitional aid in each fiscal year to each qualifying city, 19550  
local, and exempted village school district. 19551

(A) For fiscal years 2014 and 2015, the Department shall pay 19552  
temporary transitional aid to each city, local, or exempted 19553  
village school district that experiences any decrease in its state 19554  
foundation funding for the current fiscal year from its 19555  
transitional aid guarantee base. The amount of the temporary 19556  
transitional aid payment shall equal the difference between its 19557  
foundation funding for the current fiscal year and its 19558  
transitional aid guarantee base. If the computation made under 19559

this division results in a negative number, the district's funding 19560  
under this division shall be zero. 19561

(1) As used in this section, foundation funding for each 19562  
city, local, and exempted village school district for a given 19563  
fiscal year equals the sum of the amount calculated for the 19564  
district under section 3317.022 of the Revised Code, as re-enacted 19565  
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, and 19566  
the amounts calculated for the district under divisions (G)(1) and 19567  
(2) of section 3317.0212 of the Revised Code, as amended by ~~this~~ 19568  
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly, for that 19569  
fiscal year. 19570

(2) The transitional aid guarantee base for each city, local, 19571  
and exempted village school district equals the sum of the amounts 19572  
computed for the district for fiscal year 2013, under Sections 19573  
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 19574  
129th General Assembly. The Department of Education shall adjust, 19575  
as necessary, the transitional aid guarantee base of any local 19576  
school district that participates in the establishment of a joint 19577  
vocational school district that begins receiving payments under 19578  
section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. 19579  
Sub. H.B. 59 of the 130th General Assembly, for fiscal year 2014 19580  
or fiscal year 2015, but does not receive payments under Section 19581  
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, for 19582  
fiscal year 2013. The Department shall adjust any such local 19583  
school district's guarantee base according to the amounts received 19584  
by the district in fiscal year 2013 for career-technical education 19585  
students who attend the newly established joint vocational school 19586  
district in fiscal year 2014 or fiscal year 2015. 19587

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 19588  
as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 19589  
Assembly, in fiscal year 2014, no city, local, or exempted village 19590  
school district shall be allocated foundation funding that is 19591

greater than 1.0625 times the district's transitional aid 19592  
guarantee base. 19593

(2) Notwithstanding section 3317.022 of the Revised Code, as 19594  
re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 19595  
Assembly, in fiscal year 2015, no city, local, or exempted village 19596  
school district shall be allocated foundation funding that is 19597  
greater than 1.105 times the district's fiscal year 2014 base, 19598  
which is the amount computed for foundation funding for the 19599  
district for fiscal year 2014 plus any amount calculated for 19600  
temporary transitional aid for fiscal year 2014 under division (A) 19601  
of this section and after any reductions made for fiscal year 2014 19602  
under division (B)(1) of this section. The Department shall 19603  
adjust, as necessary, the fiscal year 2014 base of any local 19604  
school district that participates in the establishment of a joint 19605  
vocational school district that begins receiving payments under 19606  
section 3317.16 of the Revised Code for fiscal year 2015, but does 19607  
not receive such payments for fiscal year 2014. The Department 19608  
shall adjust any such local school district's fiscal year 2014 19609  
base according to the amounts received by the district in fiscal 19610  
year 2014 for career-technical education students who attend the 19611  
newly established joint vocational school district in fiscal year 19612  
2015. 19613

(3) The Department shall reduce a district's payments under 19614  
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 19615  
of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of 19616  
the 130th General Assembly, and divisions (G)(1) and (2) of 19617  
section 3317.0212 of the Revised Code, as amended by ~~this act~~ Am. 19618  
Sub. H.B. 59 of the 130th General Assembly, proportionately as 19619  
necessary in order to comply with this division. If those amounts 19620  
are insufficient, the Department shall proportionately reduce a 19621  
district's payments under divisions (A)(3), (8), and (9) of 19622  
section 3317.022 of the Revised Code, as re-enacted by ~~this act~~ 19623

Am. Sub. H.B. 59 of the 130th General Assembly. 19624

**Sec. 263.250.** TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL 19625  
SCHOOL DISTRICTS 19626

The Department of Education shall distribute funds within 19627  
appropriation item 200550, Foundation Funding, for temporary 19628  
transitional aid in each fiscal year to each qualifying joint 19629  
vocational school district. 19630

(A) For fiscal years 2014 and 2015, the Department shall pay 19631  
temporary transitional aid to each joint vocational school 19632  
district that experiences any decrease in its state core 19633  
foundation funding under division (A) of section 3317.16 of the 19634  
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 19635  
130th General Assembly, for the current fiscal year from its 19636  
transitional aid guarantee base. The amount of the temporary 19637  
transitional aid payment shall equal the difference between the 19638  
district's funding under division (A) of section 3317.16 of the 19639  
Revised Code for the current fiscal year and its transitional aid 19640  
guarantee base. If the computation made under this division 19641  
results in a negative number, the district's funding under this 19642  
division shall be zero. 19643

The transitional aid guarantee base for each joint vocational 19644  
school district equals the amount computed for the district for 19645  
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of 19646  
the 129th General Assembly. The Department of Education shall 19647  
establish, as necessary, the transitional aid guarantee base of 19648  
any joint vocational school district that begins receiving 19649  
payments under section 3317.16 of the Revised Code, as re-enacted 19650  
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, for 19651  
fiscal year 2014 or fiscal year 2015, but does not receive 19652  
payments under Section 267.30.60 of Am. Sub. H.B. 153 of the 129th 19653  
General Assembly, for fiscal year 2013. The Department shall 19654

establish any such joint vocational school district's guarantee 19655  
base as an amount equal to the absolute value of the sum of the 19656  
associated adjustments of any local school districts' guarantee 19657  
bases under Section 263.240 of ~~this act~~ Am. Sub. H.B. 59 of the 19658  
130th General Assembly. 19659

(B)(1) Notwithstanding division (A) of section 3317.16 of the 19660  
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 19661  
130th General Assembly, in fiscal year 2014, no joint vocational 19662  
school district shall be allocated state core foundation funding, 19663  
as computed under division (A) of section 3317.16 of the Revised 19664  
Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th 19665  
General Assembly, that is greater than 1.0625 times the district's 19666  
transitional aid guarantee base. 19667

(2) Notwithstanding division (A) of section 3317.16 of the 19668  
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 19669  
130th General Assembly, in fiscal year 2015, no joint vocational 19670  
school district shall be allocated state core foundation funding, 19671  
under division (A) of section 3317.16 of the Revised Code, as 19672  
re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 19673  
Assembly, that is greater than 1.105 times the district's fiscal 19674  
year 2014 base, which is the amount computed for state core 19675  
foundation funding for the district for fiscal year 2014 under 19676  
division (A) of section 3317.16 of the Revised Code, as re-enacted 19677  
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, plus 19678  
any amount calculated for temporary transitional aid for fiscal 19679  
year 2014 under division (A) of this section and after any 19680  
reductions made for fiscal year 2014 under division (B)(1) of this 19681  
section. The Department shall establish, as necessary, the fiscal 19682  
year 2014 base of any joint vocational school district that begins 19683  
receiving payments under section 3317.16 of the Revised Code for 19684  
fiscal year 2015, but does not receive such payments for fiscal 19685  
year 2014. The Department shall establish any such joint 19686

vocational school district's fiscal year 2014 base as an amount 19687  
equal to the absolute value of the sum of the associated 19688  
adjustments of any local school district's fiscal year 2014 base 19689  
under division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of 19690  
the 130th General Assembly. 19691

(3) The Department shall reduce a district's payments under 19692  
divisions (A)(1), (3), and (4) of section 3317.16 of the Revised 19693  
Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th 19694  
General Assembly, proportionately as necessary in order to comply 19695  
with this division. If those amounts are insufficient, the 19696  
Department shall proportionately reduce a district's payments 19697  
under divisions (A)(2), (5), and (6) of section 3317.16 of the 19698  
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 19699  
130th General Assembly. 19700

**Sec. 263.270. TEACHER CERTIFICATION AND LICENSURE** 19701

The foregoing appropriation item 200681, Teacher 19702  
Certification and Licensure, shall be used by the Department of 19703  
Education in each year of the biennium to administer and support 19704  
teacher certification and licensure activities. 19705

**SCHOOL DISTRICT SOLVENCY ASSISTANCE** 19706

(A) Of the foregoing appropriation item 200687, School 19707  
District Solvency Assistance, \$20,000,000 in each fiscal year 19708  
shall be allocated to the School District Shared Resource Account 19709  
and \$5,000,000 in each fiscal year shall be allocated to the 19710  
Catastrophic Expenditures Account. These funds shall be used to 19711  
provide assistance and grants to school districts to enable them 19712  
to remain solvent under section 3316.20 of the Revised Code. 19713  
Assistance and grants shall be subject to approval by the 19714  
Controlling Board. Except as provided under division (C) of this 19715  
section, any required reimbursements from school districts for 19716  
solvency assistance shall be made to the appropriate account in 19717

the School District Solvency Assistance Fund (Fund 5H30). 19718

(B) Notwithstanding any provision of law to the contrary, 19719  
upon the request of the Superintendent of Public Instruction, the 19720  
Director of Budget and Management may make transfers to the School 19721  
District Solvency Assistance Fund (Fund 5H30) from any fund used 19722  
by the Department of Education or the General Revenue Fund to 19723  
maintain sufficient cash balances in Fund 5H30 in fiscal years 19724  
2014 and 2015. Any cash transferred is hereby appropriated. The 19725  
transferred cash may be used by the Department of Education to 19726  
provide assistance and grants to school districts to enable them 19727  
to remain solvent and to pay unforeseeable expenses of a temporary 19728  
or emergency nature that the school district is unable to pay from 19729  
existing resources. The Director of Budget and Management shall 19730  
notify the members of the Controlling Board of any such transfers. 19731

(C) If the cash balance of the School District Solvency 19732  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 19733  
assistance in fiscal years 2014 and 2015, at the request of the 19734  
Superintendent of Public Instruction, and with the approval of the 19735  
Controlling Board, the Director of Budget and Management may 19736  
transfer cash from the Lottery Profits Education Reserve Fund 19737  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 19738  
school districts to enable them to remain solvent and to pay 19739  
unforeseeable expenses of a temporary nature that they are unable 19740  
to pay from existing resources under section 3316.20 of the 19741  
Revised Code. Such transfers are hereby appropriated to 19742  
appropriation item 200670, School District Solvency Assistance - 19743  
Lottery. Any required reimbursements from school districts for 19744  
solvency assistance granted from appropriation item 200670, School 19745  
District Solvency Assistance - Lottery, shall be made to Fund 19746  
7018. 19747

CAREER ADVISING AND MENTORING PROGRAM 19748

The foregoing appropriation item 200629, Career Advising and 19749



Mentoring, shall be used by the State Superintendent of Public Instruction to create the Career Advising and Mentoring Grant Program. The Superintendent shall develop guidelines for the grants. The program shall award competitive matching grants to provide funding for local networks of volunteers and organizations to sponsor career advising and mentoring for students in eligible school districts. Each grant award shall match up to three times the funds allocated to the project by the local network. Eligible school districts are those with a high percentage of students in poverty, a high number of students not graduating on time, and other criteria as determined by the State Superintendent. Eligible school districts shall partner with members of the business community, civic organizations, or the faith-based community to provide sustainable career advising and mentoring services.

ADULT CAREER OPPORTUNITY PILOT PROGRAM

The foregoing appropriation item 200654, Adult Career Opportunity Pilot Program, shall be used by the Superintendent of Public Instruction to award and administer planning grants for the Adult Career Opportunity Pilot Program established in section 3313.902 of the Revised Code. The Superintendent may award grants of up to \$500,000 to not more than five eligible institutions. The grants shall be used by selected eligible institutions to build capacity to implement the program beginning in the 2015-2016 academic year.

The Superintendent of Public Instruction and the Chancellor, or their designees, shall develop an application process to award these grants to eligible institutions geographically dispersed across the state. Any remaining appropriation after providing grants to eligible institutions may be used to provide technical assistance to eligible institutions receiving the grant.

The Superintendent, in consultation with the Chancellor, the Governor's Office of Workforce Transformation, the Ohio

Association of Community Colleges, Ohio Technical Centers, Adult Basic and Literacy Education programs, and other interested parties as deemed necessary, or their designees, shall develop recommendations for the method of funding and other associated requirements for the Adult Career Opportunity Pilot Program. The Superintendent shall provide a report of the recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2014.

As used in this section, "eligible institution" has the same meaning as in section 3313.902 of the Revised Code.

**Sec. 263.325.** (A) The Straight A Program is hereby created for fiscal years 2014 and 2015 to provide grants to city, local, exempted village, and joint vocational school districts, educational service centers, community schools established under Chapter 3314., STEM schools established under Chapter 3326., college-preparatory boarding schools established under Chapter 3328. of the Revised Code, individual school buildings, education consortia (which may represent a partnership among school districts, school buildings, community schools, or STEM schools), institutions of higher education, and private entities partnering with one or more of the educational entities identified in this division for projects that aim to achieve significant advancement in one or more of the following goals:

(1) Student achievement;

(2) Spending reduction in the five-year fiscal forecast required under section 5705.391 of the Revised Code;

(3) Utilization of a greater share of resources in the classroom.

(B)(1) Grants shall be awarded by a nine-member governing board consisting of the Superintendent of Public Instruction, or

the Superintendent's designee, four members appointed by the 19812  
Governor, two members appointed by the Speaker of the House of 19813  
Representatives, and two members appointed by the President of the 19814  
Senate. The Department of Education shall provide administrative 19815  
support to the board. No member shall be compensated for the 19816  
member's service on the board. 19817

(2) The board shall select grant advisors with fiscal 19818  
expertise and education expertise. These advisors shall evaluate 19819  
proposals from grant applicants and advise the staff administering 19820  
the program. No advisor shall be compensated for this service. 19821

(3) The board shall issue an annual report to the Governor, 19822  
the Speaker of the House of Representatives, the President of the 19823  
Senate, and the chairpersons of the House and Senate committees 19824  
that primarily deal with education regarding the types of grants 19825  
awarded, the grant recipients, and the effectiveness of the grant 19826  
program. 19827

(4) The board shall create a grant application and publish on 19828  
the Department's web site the application and timeline for the 19829  
submission, review, notification, and awarding of grant proposals. 19830

(5) With the approval of the board, the Department shall 19831  
establish a system for evaluating and scoring the grant 19832  
applications received under this section. 19833

(C) Each grant applicant shall submit a proposal that 19834  
includes all of the following: 19835

(1) A description of the project for which the applicant is 19836  
seeking a grant, including a description of how the project will 19837  
have substantial value and lasting impact; 19838

(2) An explanation of how the project will be 19839  
self-sustaining. If the project will result in increased ongoing 19840  
spending, the applicant shall show how the spending will be offset 19841  
by verifiable, credible, permanent spending reductions. 19842

(3) A description of quantifiable results of the project that 19843  
can be benchmarked. 19844

If an education consortia described in division (A) of this 19845  
section applies for a grant, the lead applicant shall be the 19846  
school district, school building, community school, or STEM school 19847  
that is a member of the consortia and shall so indicate on the 19848  
grant application. 19849

(D)(1) Within seventy-five days after receiving a grant 19850  
application, the board shall issue a decision on the application 19851  
of "yes," "no," "hold," or "edit." In making its decision, the 19852  
board shall consider whether the project has the capability of 19853  
being replicated in other school districts and schools or creates 19854  
something that can be used in other districts and schools. A grant 19855  
awarded under this section to a school district, educational 19856  
service center, community school, STEM school, college-preparatory 19857  
boarding school, individual school building, institution of higher 19858  
education, or private entity partnering with one or more of the 19859  
educational entities identified in division (A) of this section 19860  
shall not exceed \$5,000,000 in each fiscal year. A grant awarded 19861  
to an education consortia shall not exceed \$15,000,000 in each 19862  
fiscal year. The Superintendent of Public Instruction may make 19863  
recommendations to the Controlling Board that these maximum 19864  
amounts be exceeded. Upon Controlling Board approval, grants may 19865  
be awarded in excess of these amounts. 19866

(2) If the board issues a "hold" or "edit" decision for an 19867  
application, it shall, upon returning the application to the 19868  
applicant, specify the process for reconsideration of the 19869  
application. An applicant may work with the grant advisors and 19870  
staff to modify or improve a grant application. 19871

(E) Upon deciding to award a grant to an applicant, the board 19872  
shall enter into a grant agreement with the applicant that 19873  
includes all of the following: 19874

(1) The content of the applicant's proposal as outlined under division (C) of this section;	19875 19876
(2) The project's deliverables and a timetable for their completion;	19877 19878
(3) Conditions for receiving grant funding;	19879
(4) Conditions for receiving funding in future years if the contract is a multi-year contract;	19880 19881
(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement, as determined by the Auditor of State.	19882 19883 19884
(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.	19885 19886
(F) An advisory committee for the Straight A Program is hereby established. The committee shall consist of not more than eleven members appointed by the Governor that represent all areas of the state and different interests. The committee shall annually review the Straight A Program and provide strategic advice to the governing board and the Director of the Governor's Office of 21st Century Education.	19887 19888 19889 19890 19891 19892 19893
(G) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.	19894 19895 19896
<u>(H) Notwithstanding Section 503.50 of Am. Sub. H.B. 59 of the 130th General Assembly, encumbrances made for grants awarded under this section may be used for expenses incurred outside of the fiscal year in which the grant is awarded and remain open for twelve months after the close of the fiscal year.</u>	19897 19898 19899 19900 19901
<b>Sec. 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>	19902
General Revenue Fund	19903

GRF	715502	Auto Emissions e-Check Program	\$	10,923,093	\$	10,923,093	19904
TOTAL GRF	General Revenue Fund		\$	10,923,093	\$	10,923,093	19905
General Services Fund Group							19906
1990	715602	Laboratory Services	\$	252,153	\$	326,029	19907
2190	715604	Central Support Indirect	\$	10,255,680	\$	10,255,680	19908
4A10	715640	Operating Expenses	\$	2,600,000	\$	2,602,000	19909
4D50	715618	Recycled State Materials	\$	50,000	\$	50,000	19910
TOTAL GSF	General Services Fund Group		\$	13,157,833	\$	13,233,709	19911 19912
Federal Special Revenue Fund Group							19913
3530	715612	Public Water Supply	\$	2,562,578	\$	2,474,605	19914
3540	715614	Hazardous Waste Management - Federal	\$	4,088,383	\$	4,088,383	19915
3570	715619	Air Pollution Control - Federal	\$	6,310,203	\$	6,310,203	19916
3620	715605	Underground Injection Control - Federal	\$	111,874	\$	111,874	19917
3BU0	715684	Water Quality Protection	\$	16,205,000	\$	15,280,000	19918
3CS0	715688	Federal NRD Settlements	\$	200,000	\$	200,000	19919
3F20	715630	Revolving Loan Fund - Operating	\$	832,543	\$	1,114,543	19920
3F30	715632	Federally Supported Cleanup and Response	\$	3,012,021	\$	3,012,991	19921
3FH0	715693	Diesel Emission Reduction Grants	\$	10,000,000	\$	<del>10,000,000</del> <u>2,500,000</u>	19922
3T30	715669	Drinking Water State Revolving Fund	\$	2,609,198	\$	2,824,076	19923

3V70	715606	Agencywide Grants	\$	600,000	\$	600,000	19924
TOTAL FED		Federal Special Revenue					19925
Fund Group			\$	46,531,800	\$	<del>46,016,675</del>	19926
						<u>38,516,675</u>	
State Special Revenue Fund Group							19927
4J00	715638	Underground Injection Control	\$	389,126	\$	402,697	19928
4K20	715648	Clean Air - Non Title V	\$	3,165,400	\$	3,237,450	19929
4K30	715649	Solid Waste	\$	15,685,342	\$	16,330,873	19930
4K40	715650	Surface Water Protection	\$	6,993,800	\$	7,688,800	19931
4K40	715686	Environmental Laboratory Services	\$	2,096,007	\$	2,096,007	19932
4K50	715651	Drinking Water Protection	\$	6,316,772	\$	6,476,011	19933
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	19934
4R50	715656	Scrap Tire Management	\$	1,059,378	\$	1,070,532	19935
4R90	715658	Voluntary Action Program	\$	916,690	\$	945,195	19936
4T30	715659	Clean Air - Title V Permit Program	\$	14,528,885	\$	15,080,366	19937
4U70	715660	Construction and Demolition Debris	\$	335,000	\$	335,000	19938
5000	715608	Immediate Removal Special Account	\$	660,033	\$	660,293	19939
5030	715621	Hazardous Waste Facility Management	\$	7,615,403	\$	8,224,041	19940
5050	715623	Hazardous Waste Cleanup	\$	14,528,609	\$	14,933,345	19941
5050	715674	Clean Ohio Environmental Review	\$	108,104	\$	108,104	19942
5320	715646	Recycling and Litter	\$	4,514,500	\$	4,535,500	19943

		Control					
5410	715670	Site Specific Cleanup	\$	1,548,101	\$	1,548,101	19944
5420	715671	Risk Management	\$	208,936	\$	214,826	19945
		Reporting					
5860	715637	Scrap Tire Market	\$	1,497,645	\$	1,497,645	19946
		Development					
5BC0	715617	Clean Ohio	\$	611,455	\$	611,455	19947
5BC0	715622	Local Air Pollution	\$	2,297,980	\$	2,297,980	19948
		Control					
5BC0	715624	Surface Water	\$	9,614,974	\$	9,614,974	19949
5BC0	715672	Air Pollution Control	\$	5,684,758	\$	5,684,758	19950
5BC0	715673	Drinking and Ground	\$	4,863,521	\$	4,863,521	19951
		Water					
5BC0	715676	Assistance and	\$	695,069	\$	695,069	19952
		Prevention					
5BC0	715677	Laboratory	\$	1,358,586	\$	1,558,586	19953
5BC0	715678	Corrective Actions	\$	705,423	\$	705,423	19954
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	19955
		Agencies					
5BC0	715692	Administration	\$	10,582,627	\$	10,582,627	19956
5BC0	715694	Environmental Resource	\$	170,000	\$	170,000	19957
		Coordination					
5BT0	715679	C&DD Groundwater	\$	203,800	\$	203,800	19958
		Monitoring					
5CD0	715682	Clean Diesel School	\$	475,000	\$	475,000	19959
		Buses					
5H40	715664	Groundwater Support	\$	128,212	\$	223,212	19960
5Y30	715685	Surface Water	\$	1,800,000	\$	1,800,000	19961
		Improvement					
6440	715631	Emergency Response	\$	284,266	\$	290,674	19962
		Radiological Safety					
6600	715629	Infectious Waste	\$	88,764	\$	88,764	19963
		Management					



6760	715642	Water Pollution Control Loan Administration	\$	3,921,605	\$	3,921,605	19964
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	19965
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	19966
6960	715643	Air Pollution Control Administration	\$	1,100,000	\$	1,125,000	19967
6990	715644	Water Pollution Control Administration	\$	345,000	\$	345,000	19968
6A10	715645	Environmental Education	\$	1,350,000	\$	1,350,000	19969
TOTAL SSR	State Special Revenue		\$	131,755,659	\$	135,299,122	19970
Fund Group							
Clean Ohio Conservation Fund Group							19971
5S10	715607	Clean Ohio - Operating	\$	284,124	\$	284,124	19972
TOTAL CLF	Clean Ohio Conservation		\$	284,124	\$	284,124	19973
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	202,652,509	\$	<del>205,756,723</del> <u>198,256,723</u>	19974

AREAWIDE PLANNING AGENCIES 19975

The Director of Environmental Protection Agency may award 19976  
grants from appropriation item 715687, Areawide Planning Agencies, 19977  
to areawide planning agencies engaged in areawide water quality 19978  
management and planning activities in accordance with Section 208 19979  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 19980

CASH TRANSFERS 19981

On July 1, 2013, or as soon as possible thereafter, the 19982  
Director of Budget and Management may transfer up to \$11,400,000 19983  
cash from the Hazardous Waste Management Fund (Fund 5030) to the 19984  
Hazardous Waste Cleanup Fund (Fund 5050) to support closure and 19985  
corrective action programs that were transferred to the Division 19986

of Environmental Response and Revitalization. 19987

On July 1, 2013, or as soon as possible thereafter, the 19988  
 Director of Environmental Protection shall certify to the Director 19989  
 of Budget and Management the cash balance in the Dredge and Fill 19990  
 Fund (Fund 5N20). The Director of Budget and Management shall 19991  
 transfer the certified amount from Fund 5N20 to the Surface Water 19992  
 Protection Fund (Fund 4K40). Any existing encumbrances against 19993  
 appropriation item 715613, Dredge and Fill, shall be canceled and 19994  
 reestablished against appropriation item 715650, Surface Water 19995  
 Protection. The reestablished encumbrance amounts are hereby 19996  
 appropriated and Fund 5N20 is abolished. 19997

**Sec. 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION** 19998

General Revenue Fund 19999

GRF	230401	Lease Rental Payments	\$	33,106,400	\$	29,854,500	20000
		- Cultural Facilities					

GRF	230458	State Construction	\$	2,495,751	\$	2,245,751	20001
		Management Services					

GRF	230908	Common Schools	\$	<del>351,806,100</del>	\$	<del>377,364,700</del>	20002
		General Obligation		<u>332,506,100</u>		<u>358,364,700</u>	
		Debt Service					

TOTAL GRF General Revenue Fund	\$	<del>387,408,251</del>	\$	<del>409,464,951</del>	20003
		<u>368,108,251</u>		<u>390,464,951</u>	

General Services Fund Group 20004

1310	230639	State Construction	\$	9,463,342	\$	9,463,342	20005
		Management Operations					

TOTAL GSF General Services Fund	\$	9,463,342	\$	9,463,342	20006
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Group

State Special Revenue Fund Group 20007

4T80	230603	Community Project	\$	200,000	\$	200,000	20008
		Administration					

5E30 230644	Operating Expenses	\$	8,550,000	\$	8,550,000	20009
TOTAL SSR State Special Revenue						20010
Fund Group		\$	8,750,000	\$	8,750,000	20011
TOTAL ALL BUDGET FUND GROUPS						20012
			<u>386,321,593</u>		<u>408,678,293</u>	

**Sec. 282.30.** COMMUNITY PROJECT ADMINISTRATION 20014

The foregoing appropriation item 230603, Community Project Administration, shall be used by the Ohio Facilities Construction Commission in administering Cultural and Sports Facilities Building Fund (Fund 7030) projects pursuant to section 123.201 of the Revised Code. 20015  
20016  
20017  
20018  
20019

TRANSFERS TO CULTURAL FACILITIES ADMINISTRATION FUND 20020

By the tenth day following each calendar quarter in each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall determine the amount of cash, if any, to be transferred from the Cultural and Sports Facilities Building Fund (Fund 7030) to the Cultural Facilities Administration Fund (Fund 4T80). 20021  
20022  
20023  
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As soon as possible after each bond issuance made on behalf of the Facilities Construction Commission, the Director of Budget and Management shall determine the amount of cash, if any, from the bond proceeds to be transferred, after all issuance costs have been paid, from Fund 7030 to Fund 4T80. 20027  
20028  
20029  
20030  
20031

**Sec. 285.10.** DOH DEPARTMENT OF HEALTH 20032

General Revenue Fund						20033
GRF 440412	Cancer Incidence	\$	600,000	\$	600,000	20034
Surveillance System						
GRF 440413	Local Health	\$	823,061	\$	823,061	20035
Departments						
GRF 440416	Mothers and Children	\$	4,428,015	\$	4,428,015	20036

	Safety Net Services				
GRF 440418	Immunizations	\$	8,825,829	\$	8,825,829
GRF 440431	Free Clinics Safety	\$	437,326	\$	437,326
	Net Services				
GRF 440438	Breast and Cervical	\$	823,217	\$	823,217
	Cancer Screening				
GRF 440444	AIDS Prevention and	\$	5,842,315	\$	5,842,315
	Treatment				
GRF 440451	Public Health	\$	3,655,449	\$	3,655,449
	Laboratory				
GRF 440452	Child and Family	\$	630,444	\$	630,444
	Health Services Match				
GRF 440453	Health Care Quality	\$	4,874,361	\$	4,874,361
	Assurance				
GRF 440454	Environmental Health	\$	1,194,634	\$	1,194,634
GRF 440459	Help Me Grow	\$	33,673,987	\$	33,673,987
GRF 440465	Federally Qualified	\$	2,686,688	\$	<del>2,686,688</del>
	Health Centers				<u>1,186,688</u>
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484
GRF 440468	Chronic Disease and	\$	2,447,251	\$	2,447,251
	Injury Prevention				
GRF 440472	Alcohol Testing	\$	1,100,000	\$	1,100,000
GRF 440473	Tobacco Prevention and	\$	1,050,000	\$	1,050,000
	Cessation				
GRF 440474	Infant Vitality	\$	3,116,688	\$	3,116,688
GRF 440505	Medically Handicapped	\$	7,512,451	\$	7,512,451
	Children				
GRF 440507	Targeted Health Care	\$	1,045,414	\$	1,045,414
	Services Over 21				
<u>GRF 440516</u>	<u>Enhanced Primary Care</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>1,500,000</u>
	<u>Capacity</u>				
GRF 654453	Medicaid - Health Care	\$	3,300,000	\$	3,300,000
	Quality Assurance				

TOTAL GRF General Revenue Fund	\$	88,607,614	\$	88,607,614	20056
State Highway Safety Fund Group					20057
4T40 440603 Child Highway Safety	\$	233,894	\$	233,894	20058
TOTAL HSF State Highway Safety					20059
Fund Group	\$	233,894	\$	233,894	20060
General Services Fund Group					20061
1420 440646 Agency Health	\$	820,998	\$	820,998	20062
Services					
2110 440613 Central Support	\$	30,615,591	\$	<del>31,052,469</del>	20063
Indirect Costs				<u>30,052,469</u>	
4730 440622 Lab Operating	\$	5,000,000	\$	5,000,000	20064
Expenses					
6980 440634 Nurse Aide Training	\$	99,265	\$	99,265	20065
TOTAL GSF General Services					20066
Fund Group	\$	36,535,854	\$	<del>36,972,732</del>	20067
				<u>35,972,732</u>	
Federal Special Revenue Fund Group					20068
3200 440601 Maternal Child Health	\$	23,889,057	\$	23,889,057	20069
Block Grant					
3870 440602 Preventive Health	\$	6,000,000	\$	6,000,000	20070
Block Grant					
3890 440604 Women, Infants, and	\$	250,000,000	\$	250,000,000	20071
Children					
3910 440606 Medicare Survey and	\$	19,449,282	\$	19,961,405	20072
Certification					
3920 440618 Federal Public Health	\$	134,546,304	\$	135,140,586	20073
Programs					
3GD0 654601 Medicaid Program	\$	21,126,014	\$	22,392,094	20074
Support					
TOTAL FED Federal Special Revenue					20075
Fund Group	\$	455,010,657	\$	457,383,142	20076
State Special Revenue Fund Group					20077

4700	440647	Fee Supported Programs	\$	25,305,250	\$	25,613,586	20078
4710	440619	Certificate of Need	\$	878,433	\$	878,433	20079
4770	440627	Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703	20080
4D60	440608	Genetics Services	\$	3,311,039	\$	3,311,039	20081
4F90	440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	20082
4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000	20083
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000	20084
4L30	440609	HIV Care and Miscellaneous Expenses	\$	8,333,164	\$	8,333,164	20085
4P40	440628	Ohio Physician Loan Repayment	\$	476,870	\$	476,870	20086
4V60	440641	Save Our Sight	\$	2,255,789	\$	2,255,789	20087
5B50	440616	Quality, Monitoring, and Inspection	\$	878,997	\$	878,997	20088
5CN0	440645	Choose Life	\$	75,000	\$	75,000	20089
5D60	440620	Second Chance Trust	\$	1,151,902	\$	1,151,902	20090
5ED0	440651	Smoke Free Indoor Air	\$	250,000	\$	250,000	20091
5G40	440639	Adoption Services	\$	20,000	\$	20,000	20092
<u>5PE0</u>	<u>440659</u>	<u>Breast and Cervical Cancer Services</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>100,000</u>	20093
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	140,000	20094
6100	440626	Radiation Emergency Response	\$	1,049,954	\$	1,086,098	20095
6660	440607	Medically Handicapped Children - County Assessments	\$	19,739,617	\$	19,739,617	20096

TOTAL SSR State Special Revenue				20097
Fund Group	\$	68,601,542	\$ <del>68,946,022</del>	20098
			<u>69,046,022</u>	
Holding Account Redistribution Fund Group				20099
R014 440631 Vital Statistics	\$	44,986	\$ 44,986	20100
R048 440625 Refunds, Grants	\$	20,000	\$ 20,000	20101
Reconciliation, and				
Audit Settlements				
TOTAL 090 Holding Account				20102
Redistribution Fund Group	\$	64,986	\$ 64,986	20103
Tobacco Master Settlement Agreement Fund Group				20104
5BX0 440656 Tobacco Use	\$	1,450,000	\$ <del>1,450,000</del>	20105
Prevention			<u>6,350,000</u>	
TOTAL TSF Tobacco Master Settlement	\$	1,450,000	\$ <del>1,450,000</del>	20106
Agreement Fund Group			<u>6,350,000</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	650,504,547	\$ <del>653,658,390</del>	20107
			<u>657,658,390</u>	

**Sec. 285.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 20109

Of the foregoing appropriation item 440416, Mothers and 20110  
 Children Safety Net Services, \$200,000 in each fiscal year shall 20111  
 be used to assist families with hearing impaired children under 20112  
 twenty-one years of age in purchasing hearing aids. The Director 20113  
 of Health shall adopt rules governing the distribution of these 20114  
 funds, including rules that do both of the following: (1) 20115  
 establish eligibility criteria to include families with incomes at 20116  
 or below four hundred per cent of the federal poverty guidelines 20117  
 as defined in section 5101.46 of the Revised Code, and (2) develop 20118  
 a sliding scale of disbursements under this section based on 20119  
 family income. The Director may adopt other rules as necessary to 20120  
 implement this section. Rules adopted under this section shall be 20121  
 adopted in accordance with Chapter 119. of the Revised Code. 20122

The Department shall disburse all of the funds appropriated under this section. 20123  
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HIV/AIDS PREVENTION/TREATMENT 20125

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications and to administer educational prevention initiatives. 20126  
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PUBLIC HEALTH LABORATORY 20130

A portion of the foregoing appropriation item 440451, Public Health Laboratory, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases. 20131  
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HELP ME GROW 20135

The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children. The Department of Health shall enter into interagency agreements with the Department of Education, Department of Developmental Disabilities, Department of Job and Family Services, and Department of Mental Health and Addiction Services to ensure that all early childhood programs and initiatives are coordinated and school linked. 20136  
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The foregoing appropriation item 440459, Help Me Grow, may 20153



also be used for the Developmental Autism and Screening Program. 20154

INFANT VITALITY 20155

The foregoing appropriation item 440474, Infant Vitality, 20156  
shall be used to fund the following projects, which are hereby 20157  
created: 20158

(A) The Infant Safe Sleep Campaign to educate parents and 20159  
caregivers with a uniform message regarding safe sleep 20160  
environments; 20161

(B) The Progesterone Prematurity Prevention Project to enable 20162  
prenatal care providers to identify, screen, treat, and track 20163  
outcomes for women eligible for progesterone supplementation; and 20164

(C) The Prenatal Smoking Cessation Project to enable prenatal 20165  
care providers who work with women of reproductive age, including 20166  
pregnant women, to have the tools, training, and technical 20167  
assistance needed to treat smokers effectively. 20168

TARGETED HEALTH CARE SERVICES OVER 21 20169

The foregoing appropriation item 440507, Targeted Health Care 20170  
Services Over 21, shall be used to administer the Cystic Fibrosis 20171  
Program and to implement the Hemophilia Insurance Premium Payment 20172  
Program. 20173

The foregoing appropriation item 440507, Targeted Health Care 20174  
Services Over 21, shall also be used to provide essential 20175  
medications and to pay the copayments for drugs approved by the 20176  
Department of Health and covered by Medicare Part D that are 20177  
dispensed to Bureau for Children with Medical Handicaps (BCMh) 20178  
participants for the Cystic Fibrosis Program. 20179

The Department shall expend all of these funds. 20180

CASH TRANSFERS TO THE MEDICAID FUND 20181

On July 1, 2013, or as soon as possible thereafter, the 20182  
Director of Health shall certify to the Director of Budget and 20183

Management the cash balance relating to Medicaid restructuring in 20184  
the following funds, all used by the Department of Health: the 20185  
General Operations Fund (Fund 4700); the General Operations Fund 20186  
(Fund 1420); the General Operations Fund (Fund 3920); and the 20187  
Medicaid/Medicare Fund (Fund 3910). Upon receiving this 20188  
certification, the Director of Budget and Management may transfer 20189  
the amount certified to the Medicaid Fund (Fund 3GD0), used by the 20190  
Department of Health. If this transfer occurs, the Director of 20191  
Budget and Management shall cancel any existing encumbrances 20192  
pertaining to Medicaid in appropriation items 440647, Fee 20193  
Supported Programs, 440646, Agency Health Services, 440618, 20194  
Federal Public Health Programs, and 440606, Medicare Survey and 20195  
Certification, and reestablish them against appropriation item 20196  
654601, Medicaid Program Support. The reestablished encumbrance 20197  
amounts are hereby appropriated. 20198

GENETICS SERVICES 20199

The foregoing appropriation item 440608, Genetics Services 20200  
(Fund 4D60), shall be used by the Department of Health to 20201  
administer programs authorized by sections 3701.501 and 3701.502 20202  
of the Revised Code. None of these funds shall be used to counsel 20203  
or refer for abortion, except in the case of a medical emergency. 20204

MEDICALLY HANDICAPPED CHILDREN AUDIT 20205

The Medically Handicapped Children Audit Fund (Fund 4770) 20206  
shall receive revenue from audits of hospitals and recoveries from 20207  
third-party payers. Moneys may be expended for payment of audit 20208  
settlements and for costs directly related to obtaining recoveries 20209  
from third-party payers and for encouraging Medically Handicapped 20210  
Children's Program recipients to apply for third-party benefits. 20211  
Moneys also may be expended for payments for diagnostic and 20212  
treatment services on behalf of medically handicapped children, as 20213  
defined in division (A) of section 3701.022 of the Revised Code, 20214  
and Ohio residents who are twenty-one or more years of age and who 20215

are suffering from cystic fibrosis or hemophilia. Moneys may also 20216  
be expended for administrative expenses incurred in operating the 20217  
Medically Handicapped Children's Program. 20218

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 20219

The foregoing appropriation item 440607, Medically 20220  
Handicapped Children - County Assessments (Fund 6660), shall be 20221  
used to make payments under division (E) of section 3701.023 of 20222  
the Revised Code. 20223

CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO 20224  
THE TOBACCO USE PREVENTION FUND 20225

On July 1, 2013, or as soon as possible thereafter, the 20226  
Director of Budget and Management shall transfer \$2,439,230 cash 20227  
from the Public Health Priorities Trust Fund (Fund L087) to the 20228  
Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating 20229  
needs of the Department of Health's tobacco enforcement and 20230  
cessation efforts. 20231

CASH TRANSFER FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS 20232  
FUND TO THE TOBACCO USE PREVENTION FUND 20233

Notwithstanding Section 512.20 of Am. Sub. H.B. 487 of the 20234  
129th General Assembly, on July 1, 2014, or as soon as possible 20235  
thereafter, the Director of Budget and Management may transfer 20236  
cash determined to be in excess of the tobacco enforcement needs 20237  
of the Attorney General from the Pre-Securitization Tobacco 20238  
Payments Fund (Fund 5LS0) to the Tobacco Use Prevention Fund (Fund 20239  
5BX0). 20240

**Sec. 301.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 20241

General Revenue Fund 20242

GRF 600321 Program Support \$ 31,320,964 \$ 31,109,751 20243

GRF 600410 TANF State/Maintenance \$ 152,386,934 \$ 152,386,934 20244

of Effort

GRF 600413	Child Care	\$	84,732,730	\$	84,732,730	20245
	State/Maintenance of Effort					
GRF 600416	Information Technology	\$	54,223,871	\$	54,184,700	20246
	Projects					
GRF 600420	Child Support Programs	\$	6,498,667	\$	6,591,048	20247
GRF 600421	Family Assistance	\$	3,161,930	\$	3,161,930	20248
	Programs					
GRF 600423	Families and Children	\$	6,384,514	\$	6,542,517	20249
	Programs					
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103	20250
GRF 600511	Disability Financial	\$	22,000,000	\$	22,000,000	20251
	Assistance					
GRF 600521	Family Assistance -	\$	41,132,751	\$	41,132,751	20252
	Local					
GRF 600523	Family and Children	\$	54,255,323	\$	54,255,323	20253
	Services					
GRF 600528	Adoption Services					20254
	State	\$	28,623,389	\$	28,623,389	20255
	Federal	\$	38,202,557	\$	38,202,557	20256
	Adoption Services Total	\$	66,825,946	\$	66,825,946	20257
GRF 600533	Child, Family, and	\$	13,500,000	\$	13,500,000	20258
	Adult Community & Protective Services					
GRF 600534	Adult Protective	\$	500,000	\$	500,000	20259
	Services					
GRF 600535	Early Care and	\$	123,596,474	\$	123,596,474	20260
	Education					
GRF 600540	Food Banks	\$	6,000,000	\$	6,000,000	20261
GRF 600541	Kinship Permanency	\$	3,500,000	\$	3,500,000	20262
	Incentive Program					
GRF 655522	Medicaid Program	\$	38,267,970	\$	38,267,970	20263
	Support - Local					

GRF 655523	Medicaid Program	\$	30,680,495	\$	30,680,495	20264
	Support - Local					
	Transportation					
TOTAL GRF	General Revenue Fund					20265
	State	\$	724,580,115	\$	724,580,115	20266
	Federal	\$	38,202,557	\$	38,202,557	20267
	GRF Total	\$	762,782,672	\$	762,782,672	20268
General Services Fund Group						20269
4A80 600658	Public Assistance	\$	34,000,000	\$	34,000,000	20270
	Activities					
5DM0 600633	Administration &	\$	19,660,339	\$	19,660,339	20271
	Operating					
5HC0 600695	Unemployment	\$	60,000,000	\$	60,000,000	20272
	Compensation Interest					
5HL0 600602	State and County	\$	3,020,000	\$	3,020,000	20273
	Shared Services					
TOTAL GSF	General Services					20274
Fund Group		\$	124,780,339	\$	116,773,328	20275
Federal Special Revenue Fund Group						20276
3270 600606	Child Welfare	\$	29,769,866	\$	29,769,866	20277
3310 600615	Veterans Programs	\$	8,000,000	\$	8,000,000	20278
3310 600624	Employment Services	\$	26,000,000	\$	26,000,000	20279
	Programs					
3310 600686	Workforce Programs	\$	6,260,000	\$	6,260,000	20280
3840 600610	Food Assistance	\$	209,333,246	\$	180,381,394	20281
	Programs					
3850 600614	Refugee Services	\$	12,564,952	\$	12,564,952	20282
3950 600616	Federal Discretionary	\$	2,259,264	\$	2,259,264	20283
	Grants					
3960 600620	Social Services Block	\$	47,000,000	\$	47,000,000	20284
	Grant					
3970 600626	Child Support -	\$	235,000,000	\$	235,000,000	20285

		Federal					
3980	600627	Adoption Program -	\$	174,178,779	\$	174,178,779	20286
		Federal					
3A20	600641	Emergency Food	\$	5,000,000	\$	5,000,000	20287
		Distribution					
3D30	600648	Children's Trust Fund	\$	3,477,699	\$	3,477,699	20288
		Federal					
3F01	655624	Medicaid Program	\$	110,680,495	\$	110,680,495	20289
		Support					
3H70	600617	Child Care Federal	\$	241,987,805	\$	222,212,089	20290
3N00	600628	Foster Care Program -	\$	311,968,616	\$	311,968,616	20291
		Federal					
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	20292
3V00	600688	Workforce Investment	\$	136,000,000	\$	136,000,000	20293
		Act Programs					
3V40	600678	Federal Unemployment	\$	182,814,212	\$	182,814,212	20294
		Programs					
3V40	600679	UC Review Commission -	\$	6,185,788	\$	6,185,788	20295
		Federal					
3V60	600689	TANF Block Grant	\$	777,957,809	\$	790,304,845	20296
TOTAL FED		Federal Special Revenue					20297
Fund Group			\$	2,526,972,581	\$	2,490,592,049	20298
State Special Revenue		Fund Group					20299
1980	600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848	20300
4A90	600607	Unemployment	\$	9,006,000	\$	<del>9,006,000</del>	20301
		Compensation				<u>12,506,000</u>	
		Administration Fund					
4E70	600604	Family and Children	\$	400,000	\$	400,000	20302
		Services Collections					
4F10	600609	Family and Children	\$	683,549	\$	683,549	20303
		Activities					
5DB0	600637	Military Injury Relief	\$	2,000,000	\$	2,000,000	20304
		Subsidies					

5DP0 600634	Adoption Assistance Loan	\$	500,000	\$	500,000	20305
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	20306
5KU0 600611	Unemployment Compensation Support - Other Sources	\$	2,000,000	\$	2,000,000	20307
5NG0 600660	Victims of Human Trafficking	\$	100,000	\$	100,000	20308
5U60 600663	Family and Children Support	\$	4,000,000	\$	4,000,000	20309
TOTAL SSR State Special Revenue						20310
Fund Group		\$	25,063,397	\$	<del>25,063,397</del> <u>28,563,397</u>	20311
Agency Fund Group						20312
1920 600646	Child Support Intercept - Federal	\$	129,250,000	\$	129,250,000	20313
5830 600642	Child Support Intercept - State	\$	14,000,000	\$	14,000,000	20314
5B60 600601	Food Assistance Intercept	\$	1,000,000	\$	1,000,000	20315
TOTAL AGY Agency Fund Group		\$	144,250,000	\$	144,250,000	20316
Holding Account Redistribution Fund Group						20317
R012 600643	Refunds and Audit Settlements	\$	2,200,000	\$	2,200,000	20318
R013 600644	Forgery Collections	\$	10,000	\$	10,000	20319
TOTAL 090 Holding Account Redistribution Fund Group		\$	2,210,000	\$	2,210,000	20320
TOTAL ALL BUDGET FUND GROUPS		\$	3,586,058,989	\$	<del>3,541,671,446</del> <u>3,545,171,446</u>	20321
<b>Sec. 327.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION</b>						20323
SERVICES						20324

		General Revenue Fund					20325
GRF	333321	Central	\$	13,495,337	\$	13,486,290	20326
		Administration					
GRF	333402	Resident Trainees	\$	450,000	\$	450,000	20327
GRF	333415	Lease-Rental Payments	\$	<del>15,843,300</del>	\$	16,076,700	20328
				<u>14,743,300</u>			
GRF	333416	Research Program	\$	321,998	\$	321,998	20329
		Evaluation					
GRF	334412	Hospital Services	\$	190,514,437	\$	190,514,437	20330
GRF	334506	Court Costs	\$	784,210	\$	784,210	20331
GRF	335405	Family & Children	\$	1,386,000	\$	1,386,000	20332
		First					
GRF	335406	Prevention and	\$	868,659	\$	868,659	20333
		Wellness					
GRF	335421	Continuum of Care	\$	77,733,742	\$	77,633,742	20334
		Services					
GRF	335422	Criminal Justice	\$	4,917,898	\$	4,917,898	20335
		Services					
GRF	335504	Community Innovations	\$	6,500,000	\$	1,500,000	20336
GRF	335506	Residential State	\$	7,502,875	\$	7,502,875	20337
		Supplement					
GRF	335507	Community Behavioral	\$	47,500,000	\$	47,500,000	20338
		Health					
GRF	652507	Medicaid Support	\$	1,727,553	\$	1,736,600	20339
TOTAL GRF		General Revenue Fund	\$	<del>369,546,009</del>	\$	364,679,409	20340
				<u>368,446,009</u>			
		General Services Fund Group					20341
1490	333609	Central Office	\$	1,343,190	\$	1,343,190	20342
		Operating					
5T90	333641	Problem Gambling	\$	60,000	\$	60,000	20343
		Services -					
		Administration					



1490	334609	Hospital - Operating Expenses	\$	28,190,000	\$	<del>28,190,000</del> <u>30,190,000</u>	20344
1500	334620	Special Education	\$	150,000	\$	150,000	20345
4P90	335604	Community Mental Health Projects	\$	250,000	\$	250,000	20346
5T90	335641	Problem Gambling Services	\$	275,000	\$	275,000	20347
1510	336601	Office of Support Services	\$	115,000,000	\$	<del>115,000,000</del> <u>90,000,000</u>	20348
TOTAL GSF General Services Fund Group			\$	145,268,190	\$	<del>145,268,190</del> <u>122,268,190</u>	20349
Federal Special Revenue Fund Group							20350
3240	333605	Medicaid/Medicare - Refunds	\$	154,500	\$	154,500	20351
3A60	333608	Federal Miscellaneous - Administration	\$	140,000	\$	140,000	20352
3A70	333612	Social Services Block Grant - Administration	\$	50,000	\$	50,000	20353
3A80	333613	Federal Grants - Administration	\$	4,717,000	\$	4,717,000	20354
3A90	333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	20355
3G40	333618	Substance Abuse Block Grant- Administration	\$	3,307,789	\$	3,307,789	20356
3H80	333606	Demonstration Grants - Administration	\$	3,237,574	\$	<del>3,237,574</del> <u>6,000,000</u>	20357
3N80	333639	Administrative Reimbursement	\$	300,000	\$	300,000	20358
3240	334605	Medicaid/Medicare - Hospitals	\$	28,200,000	\$	28,200,000	20359
3A60	334608	Federal Miscellaneous	\$	200,000	\$	200,000	20360

		- Hospitals					
3A80	334613	Federal Letter of Credit	\$	200,000	\$	200,000	20361
3A60	335608	Federal Miscellaneous	\$	2,170,000	\$	2,170,000	20362
3A70	335612	Social Services Block Grant	\$	8,400,000	\$	8,400,000	20363
3A80	335613	Federal Grant - Community Mental Health Board Subsidy	\$	2,500,000	\$	<del>2,500,000</del> <u>4,500,000</u>	20364
3A90	335614	Mental Health Block Grant	\$	14,200,000	\$	14,200,000	20365
3FR0	335638	Race to the Top - Early Learning Challenge Grant	\$	1,164,000	\$	1,164,000	20366
3G40	335618	Substance Abuse Block Grant	\$	62,542,003	\$	62,557,967	20367
3H80	335606	Demonstration Grants	\$	5,428,006	\$	<del>5,428,006</del> <u>11,000,000</u>	20368
3B10	652635	Community Medicaid Legacy Costs	\$	5,000,000	\$	<del>5,000,000</del>	20369
3B10	652636	Community Medicaid Legacy Support	\$	7,000,000	\$	7,000,000	20370
3J80	652609	Medicaid Legacy Costs Support	\$	3,000,000	\$	<del>3,000,000</del>	20371
TOTAL FED	Federal Special Revenue		\$	152,659,342	\$	<del>144,675,306</del> <u>163,009,726</u>	20372
Fund Group							
State Special Revenue Fund Group							20373
2320	333621	Family and Children First Administration	\$	400,000	\$	400,000	20374
4750	333623	Statewide Treatment and Prevention - Administration	\$	5,490,667	\$	5,490,667	20375
4850	333632	Mental Health	\$	134,233	\$	134,233	20376

		Operating - Refunds				
5JL0	333629	Problem Gambling and Casino Addictions - Administration	\$	1,361,592	\$	1,361,592 20377
5V20	333611	Non-Federal Miscellaneous	\$	100,000	\$	100,000 20378
6890	333640	Education and Conferences	\$	150,000	\$	150,000 20379
4850	334632	Mental Health Operating - Hospitals	\$	2,477,500	\$	2,477,500 20380
4750	335623	Statewide Treatment and Prevention	\$	10,059,333	\$	10,059,333 20381
5AU0	335615	Behavioral Health Care	\$	6,690,000	\$	6,690,000 20382
5JL0	335629	Problem Gambling and Casino Addictions	\$	4,084,772		4,084,772 20383
6320	335616	Community Capital Replacement	\$	350,000	\$	350,000 20384
TOTAL SSR	State Special Revenue		\$	31,298,097	\$	31,298,097 20385
Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	<del>698,771,638</del>	\$	<del>685,921,002</del> 20386
				<u>697,671,638</u>		<u>681,255,422</u>

**Sec. 333.10.** DNR DEPARTMENT OF NATURAL RESOURCES 20388

General Revenue Fund						20389
GRF	725401	Wildlife-GRF Central Support	\$	1,800,000	\$	1,800,000 20390
GRF	725413	Lease Rental Payments	\$	21,622,900	\$	23,943,400 20391
GRF	725456	Canal Lands	\$	135,000	\$	135,000 20392
GRF	725502	Soil and Water Districts	\$	2,900,000	\$	2,900,000 20393
GRF	725505	Healthy Lake Erie Fund	\$	650,000	\$	500,000 20394
GRF	725507	Coal and Mine Safety Program	\$	2,500,000	\$	2,500,000 20395

GRF	725903	Natural Resources	\$	24,325,400	\$	<del>25,443,000</del>	20396
		General Obligation				<u>23,743,000</u>	
		Debt Service					
GRF	727321	Division of Forestry	\$	4,392,002	\$	4,392,001	20397
GRF	729321	Office of Information	\$	177,405	\$	177,405	20398
		Technology					
GRF	730321	Division of Parks and	\$	30,000,000	\$	30,000,000	20399
		Recreation					
GRF	736321	Division of	\$	2,279,115	\$	2,324,736	20400
		Engineering					
GRF	737321	Division of Soil and	\$	4,782,704	\$	<del>4,782,652</del>	20401
		Water Resources				<u>4,631,239</u>	
GRF	738321	Division of Real	\$	715,963	\$	670,342	20402
		Estate and Land					
		Management					
GRF	741321	Division of Natural	\$	1,200,000	\$	1,200,000	20403
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	97,480,489	\$	<del>100,768,536</del>	20404
						<u>98,917,123</u>	
		General Services Fund Group					20405
1550	725601	Departmental Projects	\$	2,109,968	\$	1,839,204	20406
1570	725651	Central Support	\$	4,609,154	\$	4,671,566	20407
		Indirect					
2040	725687	Information Services	\$	5,179,097	\$	5,288,168	20408
2050	725696	Human Resource Direct	\$	2,474,345	\$	2,526,662	20409
		Service					
2070	725690	Real Estate Services	\$	50,000	\$	50,000	20410
2230	725665	Law Enforcement	\$	2,126,432	\$	2,126,432	20411
		Administration					
2270	725406	Parks Projects	\$	436,500	\$	436,500	20412
		Personnel					
4300	725671	Canal Lands	\$	883,879	\$	883,879	20413
4S90	725622	NatureWorks Personnel	\$	404,657	\$	412,570	20414

4X80	725662	Water Resources Council	\$	138,005	\$	138,005	20415
5100	725631	Maintenance - State-owned Residences	\$	303,611	\$	303,611	20416
5160	725620	Water Management	\$	2,559,292	\$	2,559,292	20417
6350	725664	Fountain Square Facilities Management	\$	3,329,935	\$	3,346,259	20418
6970	725670	Submerged Lands	\$	852,982	\$	869,145	20419
TOTAL GSF General Services							20420
Fund Group			\$	25,457,857	\$	25,451,293	20421
Federal Special Revenue Fund Group							20422
3320	725669	Federal Mine Safety Grant	\$	265,000	\$	265,000	20423
3B30	725640	Federal Forest Pass-Thru	\$	500,000	\$	500,000	20424
3B40	725641	Federal Flood Pass-Thru	\$	500,000	\$	500,000	20425
3B50	725645	Federal Abandoned Mine Lands	\$	11,851,759	\$	11,851,759	20426
3B60	725653	Federal Land and Water Conservation Grants	\$	950,000	\$	950,000	20427
3B70	725654	Reclamation - Regulatory	\$	3,200,000	\$	3,200,000	20428
3P10	725632	Geological Survey - Federal	\$	933,448	\$	557,146	20429
3P20	725642	Oil and Gas - Federal	\$	234,509	\$	234,509	20430
3P30	725650	Coastal Management - Federal	\$	2,790,633	\$	2,790,633	20431
3P40	725660	Federal - Soil and Water Resources	\$	969,190	\$	1,006,874	20432
3R50	725673	Acid Mine Drainage	\$	4,342,280	\$	4,342,280	20433

		Abatement/Treatment					
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	20434
TOTAL FED		Federal Special Revenue					20435
Fund Group			\$	28,386,819	\$	28,048,201	20436
State Special Revenue Fund Group							20437
4J20	725628	Injection Well Review	\$	128,466	\$	128,466	20438
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	20439
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	20440
5090	725602	State Forest	\$	6,873,330	\$	6,880,158	20441
5110	725646	Ohio Geological Mapping	\$	1,220,690	\$	1,993,519	20442
5120	725605	State Parks Operations	\$	29,654,880	\$	29,671,044	20443
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	20444
5180	725643	Oil and Gas <del>Permit</del> <u>Fees Regulation and</u> <u>Safety</u>	\$	12,812,311	\$	13,140,201	20445
5180	725677	Oil and Gas Well Plugging	\$	1,500,000	\$	<del>1,500,000</del> <u>2,500,000</u>	20446
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	20447
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	20448
5260	725610	Strip Mining Administration Fee	\$	1,800,000	\$	1,800,000	20449
5270	725637	Surface Mining Administration	\$	1,941,532	\$	1,941,532	20450
5290	725639	Unreclaimed Land Fund	\$	1,804,180	\$	1,804,180	20451
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	20452
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	20453

5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	20454
5BV0	725683	Soil and Water Districts	\$	8,000,000	\$	8,000,000	20455
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	20456
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	20457
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	20458
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	20459
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	20460
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	20461
5MF0	725635	Ohio Geology License Plate	\$	7,500	\$	7,500	20462
5MW0	725604	Natural Resources Special Purposes	\$	10,163,812	\$	6,165,162	20463
6150	725661	Dam Safety	\$	943,517	\$	943,517	20464
TOTAL SSR State Special Revenue							20465
Fund Group			\$	80,129,565	\$	<del>77,254,626</del>	20466
							<u>78,254,626</u>
Clean Ohio Conservation Fund Group							20467
7061	725405	Clean Ohio Operating	\$	300,775	\$	300,775	20468
TOTAL CLF Clean Ohio Conservation							20469
Fund Group			\$	300,775	\$	300,775	
Wildlife Fund Group							20470
5P20	725634	Wildlife Boater Angler Administration	\$	3,000,000	\$	3,000,000	20471
7015	740401	Division of Wildlife Conservation	\$	56,466,564	\$	57,075,976	20472

8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449	20473
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	20474
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,000,000	\$	2,000,000	20475
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	20476
8190	725685	Ohio River Management	\$	203,584	\$	203,584	20477
81B0	725688	Wildlife Habitat Fund	\$	1,200,000	\$	1,200,000	20478
TOTAL WLF Wildlife Fund Group			\$	65,457,482	\$	66,066,894	20479
Waterways Safety Fund Group							20480
7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	20481
7086	725418	Buoy Placement	\$	52,182	\$	52,182	20482
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	20483
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	20484
7086	725513	Watercraft Educational Grants	\$	366,643	\$	366,643	20485
7086	739401	Division of Watercraft	\$	19,467,370	\$	19,297,370	20486
TOTAL WSF Waterways Safety Fund Group			\$	26,276,019	\$	26,106,019	20487
Accrued Leave Liability Fund Group							20488
4M80	725675	FOP Contract	\$	20,219	\$	20,219	20489
TOTAL ALF Accrued Leave Liability Fund Group			\$	20,219	\$	20,219	20490
Holding Account Redistribution Fund Group							20491
R017	725659	Performance Cash Bond Refunds	\$	496,263	\$	496,263	20492
R043	725624	Forestry	\$	2,100,000	\$	2,100,000	20493
TOTAL 090 Holding Account							20494



Redistribution Fund Group	\$	2,596,263	\$	2,596,263	20497
TOTAL ALL BUDGET FUND GROUPS	\$	326,105,488	\$	<del>326,612,826</del> <u>325,761,413</u>	20498

**Sec. 333.80. SOIL AND WATER DISTRICTS** 20500

In addition to state payments to soil and water conservation 20501  
 districts authorized by section 1515.10 of the Revised Code, the 20502  
 Department of Natural Resources may use appropriation item 725683, 20503  
 Soil and Water Districts, to pay any soil and water conservation 20504  
 district an annual amount not to exceed \$40,000, upon receipt of a 20505  
 request and justification from the district and approval by the 20506  
 Ohio Soil and Water Conservation Commission. The county auditor 20507  
 shall credit the payments to the special fund established under 20508  
 section 1515.10 of the Revised Code for the local soil and water 20509  
 conservation district. Moneys received by each district shall be 20510  
 expended for the purposes of the district. 20511

**OIL AND GAS WELL PLUGGING** 20512

The foregoing appropriation item 725677, Oil and Gas Well 20513  
 Plugging, shall be used exclusively for the purposes of plugging 20514  
 wells and to properly restore the land surface of idle and orphan 20515  
 oil and gas wells pursuant to section 1509.071 of the Revised 20516  
 Code. No funds from the appropriation item shall be used for 20517  
 salaries, maintenance, equipment, or other administrative 20518  
 purposes, except for those costs directly attributed to the 20519  
 plugging of an idle or orphan well. This appropriation item shall 20520  
 not be used to transfer cash to any other fund or appropriation 20521  
 item. 20522

**TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL** 20523  
MAPPING OPERATIONS 20524

During fiscal years 2014 and 2015, the Director of Budget and 20525  
 Management may, in consultation with the Director of Natural 20526  
 Resources, transfer such cash as necessary from the General 20527

Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the 20528  
Geological Mapping Fund (Fund 5110). The transfer to Fund 5180 20529  
shall be used for handling the increased regulatory work related 20530  
to the expansion of the oil and gas program that will occur before 20531  
receipts from this activity are deposited into Fund 5180. The 20532  
transfer to Fund 5110 shall be used for handling the increased 20533  
field and laboratory research efforts related to the expansion of 20534  
the oil and gas program that will occur before receipts from this 20535  
activity are deposited into Fund 5110. Once funds from severance 20536  
taxes, application and permitting fees, and other sources have 20537  
accrued to Fund 5180 and Fund 5110 in such amounts as are 20538  
considered sufficient to sustain expanded operations, the Director 20539  
of Budget and Management, in consultation with the Director of 20540  
Natural Resources, shall establish a schedule for repaying the 20541  
transferred funds from Fund 5180 and Fund 5110 to the General 20542  
Revenue Fund. 20543

NATURAL RESOURCES SPECIAL PURPOSES 20544

Of the foregoing appropriation item 725604, Natural Resources 20545  
Special Purposes, up to \$2,100,000 in fiscal year 2014 shall be 20546  
used for the construction or acquisition of a treatment train 20547  
process at an Ohio inland lake, and up to \$1,800,000 in fiscal 20548  
year 2014 shall be used for the purchase of two sweeper dredges 20549  
for use at Ohio inland lakes, and \$263,812 in fiscal year 2014 and 20550  
\$165,162 in fiscal year 2015 shall be used for the operation of 20551  
the dredges purchased under this section. 20552

**Sec. 340.10.** OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES 20553

AGENCY 20554

General Revenue Fund 20555

GRF 415402 Independent Living \$ 252,000 \$ 252,000 20556  
Council

GRF 415406 Assistive Technology \$ 26,618 \$ 26,618 20557

GRF	415431	<del>Office for People</del> with Brain Injury	\$	126,567	\$	126,567	20558
GRF	415506	Services for <del>People</del> <u>Individuals</u> with Disabilities	\$	15,277,885	\$	15,277,885	20559
GRF	415508	Services for the Deaf	\$	28,000	\$	28,000	20560
TOTAL GRF	General Revenue Fund		\$	15,711,070	\$	15,711,070	20561
General Services Fund Group							20562
4670	415609	Business Enterprise Operating Expenses	\$	962,538	\$	965,481	20563
TOTAL GSF	General Services Fund Group		\$	962,538	\$	965,481	20564
Federal Special Revenue Fund Group							20566
3170	415620	Disability Determination	\$	83,332,186	\$	84,641,911	20567
3790	415616	Federal - Vocational Rehabilitation	\$	117,431,895	\$	113,610,728	20568
3L10	415601	Social Security Personal Care Assistance	\$	2,748,451	\$	2,752,396	20569
3L10	415605	Social Security Community Centers for the Deaf	\$	772,000	\$	772,000	20570
3L10	415608	Social Security <del>Special</del> Programs/Assistance <u>Vocational</u> <u>Rehabilitation</u>	\$	445,258	\$	498,269	20571
3L40	415612	Federal Independent Living Centers or Services	\$	638,431	\$	638,431	20572
3L40	415615	Federal - Supported	\$	916,727	\$	916,727	20573

	Employment				
3L40 415617	<del>Independent</del>	\$ 1,548,658	\$ 1,348,658	20574	
	<del>Living/Vocational</del>				
	Rehabilitation				
	Programs				
TOTAL FED Federal Special				20575	
Revenue Fund Group		\$ 207,833,606	\$ 205,179,120	20576	
State Special Revenue Fund Group				20577	
4680 415618	Third Party Funding	\$ 11,000,000	\$ 11,000,000	20578	
4L10 415619	Services for	\$ 3,502,168	\$ 3,502,168	20579	
	Rehabilitation				
4W50 415606	Program Management	\$ 12,369,751	\$ 12,594,758	20580	
	<del>Expenses</del>				
TOTAL SSR State Special				20581	
Revenue Fund Group		\$ 26,871,919	\$ 27,096,926	20582	
TOTAL ALL BUDGET FUND GROUPS		\$ 251,379,133	\$ 248,952,597	20583	
	INDEPENDENT LIVING COUNCIL			20584	
	The foregoing appropriation item 415402, Independent Living			20585	
	Council, shall be used to fund the operations of the State			20586	
	Independent Living Council and to support state independent living			20587	
	centers and independent living services under Title VII of the			20588	
	Independent Living Services and Centers for Independent Living of			20589	
	the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29			20590	
	U.S.C. 796d.			20591	
	Of the foregoing appropriation item 415402, Independent			20592	
	Living Council, \$67,662 in each fiscal year shall be used as state			20593	
	matching funds for vocational rehabilitation innovation and			20594	
	expansion activities.			20595	
	ASSISTIVE TECHNOLOGY			20596	
	The total amount of the foregoing appropriation item 415406,			20597	
	Assistive Technology, shall be provided to Assistive Technology of			20598	

Ohio to provide grants and assistive technology services for 20599  
people with disabilities in the State of Ohio. 20600

~~OFFICE FOR PEOPLE WITH BRAIN INJURY~~ 20601

The foregoing appropriation item 415431, ~~Office for People~~ 20602  
~~with~~ Brain Injury, shall be provided to The Ohio State University 20603  
College of Medicine to support the Brain Injury Program 20604  
established under section 3304.23 of the Revised Code. 20605

VOCATIONAL REHABILITATION SERVICES 20606

The foregoing appropriation item 415506, Services for ~~People~~ 20607  
Individuals with Disabilities, shall be used as state matching 20608  
funds to provide vocational rehabilitation services to eligible 20609  
consumers. 20610

SERVICES FOR THE DEAF 20611

The foregoing appropriation item 415508, Services for the 20612  
Deaf, shall be used to provide grants to community centers for the 20613  
deaf. 20614

~~INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS~~ 20615

~~The foregoing appropriation item 415617, Independent~~ 20616  
~~Living/Vocational Rehabilitation Programs, shall be used to~~ 20617  
~~support vocational rehabilitation programs.~~ 20618

SOCIAL SECURITY REIMBURSEMENT FUNDS 20619

Reimbursement funds received from the Social Security 20620  
Administration, United States Department of Health and Human 20621  
Services, for the costs of providing services and training to 20622  
return disability recipients to gainful employment shall be 20623  
expended ~~from the Social Security Reimbursement Fund (Fund 3L10),~~ 20624  
to the extent funds are available, as follows: 20625

(A) Appropriation item 415601, Social Security Personal Care 20626  
Assistance, to provide personal care services in accordance with 20627  
section 3304.41 of the Revised Code; 20628

(B) Appropriation item 415605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and

(C) Appropriation item 415608, Social Security ~~Special Programs/Assistance~~ Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. ~~This appropriation item shall also be used to pay a portion of indirect costs of the Personal Care Assistance Program and the Independent Living Programs as mandated by federal OMB Circular A-87.~~

PROGRAM MANAGEMENT ~~EXPENSES~~

The foregoing appropriation item 415606, Program Management ~~Expenses~~, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.

**Sec. 359.10. PWC PUBLIC WORKS COMMISSION**

General Revenue Fund

GRF	150904	Conservation General	\$	<del>33,376,600</del>	\$	34,447,700	20649
		Obligation Debt		<u>26,676,600</u>			
		Service					
GRF	150907	State Capital	\$	<del>227,810,300</del>	\$	<del>228,948,900</del>	20650
		Improvements General		<u>210,710,300</u>		<u>226,948,900</u>	
		Obligation Debt					
		Service					
TOTAL GRF	General Revenue Fund		\$	<del>261,186,900</del>	\$	<del>263,396,600</del>	20651
				<u>237,386,900</u>		<u>261,396,600</u>	

Clean Ohio Conservation Fund Group

7056 150403	Clean Ohio Operating Expenses	\$	288,980	\$	288,980	20653
TOTAL 056	Clean Ohio Conservation Fund Group	\$	288,980	\$	288,980	20654
TOTAL ALL BUDGET FUND GROUPS		\$	<del>261,475,880</del>	\$	<del>263,685,580</del>	20655
			<u>237,675,880</u>		<u>261,685,580</u>	

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 20656

The foregoing appropriation item 150904, Conservation General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, at the times they are required to be made for obligations issued under sections 151.01 and 151.09 of the Revised Code. 20657  
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STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 20663

The foregoing appropriation item 150907, State Capital Improvements General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, at the times they are required to be made for obligations issued under sections 151.01 and 151.08 of the Revised Code. 20664  
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CLEAN OHIO OPERATING EXPENSES 20670

The foregoing appropriation item 150403, Clean Ohio Operating Expenses, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code. 20671  
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**Sec. 363.10. BOR BOARD OF REGENTS** 20675

General Revenue Fund						20676
GRF 235321	Operating Expenses	\$	2,850,357	\$	2,850,357	20677
GRF 235401	Lease Rental Payments	\$	5,805,300	\$	0	20678
GRF 235402	Sea Grants	\$	285,000	\$	285,000	20679

GRF 235406	Articulation and Transfer	\$	2,000,000	\$	2,000,000	20680
GRF 235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	20681
GRF 235409	HEI Information System	\$	1,505,683	\$	1,505,683	20682
GRF 235414	State Grants and Scholarship Administration	\$	830,180	\$	830,180	20683
GRF 235417	eStudent Services	\$	2,532,688	\$	2,532,688	20684
GRF 235428	Appalachian New Economy Partnership	\$	737,366	\$	737,366	20685
GRF 235433	Economic Growth Challenge	\$	521,153	\$	521,153	20686
GRF 235434	College Readiness and Access	\$	1,200,000	\$	1,200,000	20687
GRF 235438	Choose Ohio First Scholarship	\$	16,665,114	\$	16,665,114	20688
GRF 235443	Adult Basic and Literacy Education - State	\$	7,427,416	\$	7,427,416	20689
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,817,547	\$	15,817,547	20690
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	20691
GRF 235480	General Technology Operations	\$	500,000	\$	500,000	20692
GRF 235483	Technology Integration and Professional Development	\$	3,378,598	\$	2,703,598	20693
GRF 235501	State Share of Instruction	\$	1,789,699,580	\$	<del>1,818,225,497</del> <u>1,821,325,497</u>	20694



GRF 235502	Student Support Services	\$	632,974	\$	632,974	20695
GRF 235504	War Orphans Scholarships	\$	5,500,000	\$	5,500,000	20696
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012	20697
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	20698
GRF 235510	Ohio Supercomputer Center	\$	3,747,418	\$	3,747,418	20699
GRF 235511	Cooperative Extension Service	\$	23,086,658	\$	23,056,658	20700
GRF 235514	Central State Supplement	\$	11,063,468	\$	11,063,468	20701
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	20702
GRF 235516	Wright State Lake Campus Agricultural Program	\$	200,000	\$	0	20703
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	20704
GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	20705
GRF 235523	Youth STEM Commercialization and Entrepreneurship Program	\$	2,000,000	\$	3,000,000	20706
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	20707
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	20708
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	20709
GRF 235535	Ohio Agricultural Research and	\$	34,126,100	\$	34,629,970	20710

	Development Center					
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	20711
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	20712
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	20713
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	20714
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	20715
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,994,178	\$	2,994,178	20716
GRF 235552	Capital Component	\$	13,628,639	\$	10,280,387	20717
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	20718
GRF 235556	Ohio Academic Resources Network	\$	3,172,519	\$	3,172,519	20719
GRF 235558	Long-term Care Research	\$	325,300	\$	325,300	20720
GRF 235563	Ohio College Opportunity Grant	\$	90,284,264	\$	90,284,264	20721
GRF 235572	The Ohio State University Clinic Support	\$	766,533	\$	766,533	20722
GRF 235599	National Guard Scholarship Program	\$	16,711,514	\$	17,384,511	20723
GRF 235909	Higher Education General Obligation Debt Service	\$	<del>221,168,700</del> <u>215,368,700</u>	\$	<del>248,822,000</del> <u>245,822,000</u>	20724

TOTAL GRF General Revenue Fund		\$ <del>2,331,062,630</del>	\$ <del>2,379,360,162</del>	20725
		<u>2,325,262,630</u>	<u>2,379,460,162</u>	
General Services Fund Group				20726
2200 235614	Program Approval and Reauthorization	\$ 903,595	\$ 903,595	20727
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	20728
5JC0 235649	Co-op Internship Program	\$ 8,000,000	\$ 8,000,000	20729
5JC0 235668	Defense/Aerospace Workforce Development Initiative	\$ 4,000,000	\$ 4,000,000	20730
5JC0 235685	Manufacturing Workforce Development Initiative	\$ 2,000,000	\$ 0	20731
TOTAL GSF General Services Fund Group		\$ 15,102,845	\$ 13,102,845	20732 20733
Federal Special Revenue Fund Group				20734
3120 235612	Carl D. Perkins Grant/Plan Administration	\$ 1,350,000	\$ 1,350,000	20735
3120 235617	Improving Teacher Quality Grant	\$ 3,200,000	\$ 3,200,000	20736
3120 235641	Adult Basic and Literacy Education - Federal	\$ 14,835,671	\$ 14,835,671	20737
3120 235672	H-1B Tech Skills Training	\$ 1,100,000	\$ 1,100,000	20738
3BW0 235630	Indirect Cost Recovery - Federal	\$ 50,000	\$ 50,000	20739
3H20 235608	Human Services Project	\$ 1,000,000	\$ 1,000,000	20740
TOTAL FED Federal Special Revenue				20741

Fund Group		\$	21,535,671	\$	21,535,671	20742
State Special Revenue Fund Group						20743
4E80 235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	20744
4X10 235674	Telecommunity and Distance Learning	\$	49,150	\$	49,150	20745
5D40 235675	Conferences/Special Purposes	\$	1,884,095	\$	1,884,095	20746
5FR0 235643	Making Opportunity Affordable	\$	230,000	\$	230,000	20747
5P30 235663	Variable Savings Plan	\$	8,066,920	\$	8,104,370	20748
6450 235664	Guaranteed Savings Plan	\$	1,290,718	\$	1,303,129	20749
6820 235606	Nursing Loan Program	\$	891,320	\$	891,320	20750
TOTAL SSR State Special Revenue Fund Group		\$	12,441,303	\$	12,491,164	20752
Third Frontier Research & Development Fund Group						20753
7011 235634	Research Incentive Third Frontier Fund	\$	8,000,000	\$	8,000,000	20754
TOTAL 011 Third Frontier Research & Development Fund Group		\$	8,000,000	\$	8,000,000	20755
TOTAL ALL BUDGET FUND GROUPS		\$	<del>2,388,142,449</del>	\$	<del>2,434,489,842</del>	20756
			<u>2,382,342,449</u>		<u>2,434,589,842</u>	
<b>Sec. 365.10.</b>	DRC DEPARTMENT OF REHABILITATION AND CORRECTION					20758
General Revenue Fund						20759
GRF 501321	Institutional Operations	\$	<del>883,768,015</del>	\$	<del>873,724,802</del>	20760
			<u>895,799,933</u>		<u>900,215,085</u>	
GRF 501403	Prisoner Compensation	\$	6,000,000	\$	6,000,000	20761
GRF 501405	Halfway House	\$	<del>45,049,356</del>	\$	<del>46,024,108</del>	20762
			<u>48,399,340</u>		<u>51,197,937</u>	

GRF 501406	Lease Rental Payments	\$	<del>104,099,500</del>	\$	99,534,800	20763
			<u>103,099,500</u>			
GRF 501407	Community Nonresidential Programs	\$	34,187,858	\$	34,314,390	20764
GRF 501408	Community Misdemeanor Programs	\$	12,856,800	\$	12,856,800	20765
GRF 501501	Community Residential Programs - CBCF	\$	<del>63,345,972</del>	\$	<del>66,150,781</del>	20766
			<u>64,224,472</u>		<u>69,453,455</u>	
GRF 503321	Parole and Community Operations	\$	<del>64,480,938</del>	\$	<del>65,029,680</del>	20767
			<u>66,102,094</u>		<u>71,676,403</u>	
GRF 504321	Administrative Operations	\$	20,659,664	\$	20,907,476	20768
GRF 505321	Institution Medical Services	\$	<del>243,289,774</del>	\$	<del>254,139,452</del>	20769
			<u>239,397,895</u>		<u>251,994,058</u>	
GRF 506321	Institution Education Services	\$	19,102,051	\$	19,112,418	20770
TOTAL GRF General Revenue Fund		\$	<del>1,496,839,928</del>	\$	<del>1,497,794,707</del>	20771
			<u>1,509,829,607</u>		<u>1,537,262,822</u>	
General Services Fund Group						20772
1480 501602	Institutional Services	\$	3,139,577	\$	3,139,577	20773
2000 501607	Ohio Penal Industries	\$	41,393,226	\$	40,609,872	20774
4830 501605	Property Receipts	\$	582,086	\$	582,086	20775
4B00 501601	Sewer Treatment Services	\$	2,023,671	\$	2,067,214	20776
4D40 501603	Prisoner Programs	\$	17,499,255	\$	17,499,255	20777
4L40 501604	Transitional Control	\$	1,113,120	\$	1,113,120	20778
4S50 501608	Education Services	\$	4,114,782	\$	4,114,782	20779
5710 501606	Training Academy Receipts	\$	125,000	\$	125,000	20780
5930 501618	Laboratory Services	\$	3,750,000	\$	0	20781
5AF0 501609	State and Non-Federal	\$	1,440,000	\$	1,440,000	20782

		Awards				
5H80	501617	Offender Financial	\$	2,000,000	\$	2,000,000 20783
		Responsibility				
5L60	501611	Information	\$	250,000	\$	250,000 20784
		Technology Services				
TOTAL GSF	General Services Fund		\$	77,430,717	\$	72,940,906 20785
Group						
Federal Special Revenue Fund Group						20786
3230	501619	Federal Grants	\$	7,132,943	\$	7,132,943 20787
TOTAL FED	Federal Special Revenue					20788
Fund Group			\$	7,132,943	\$	7,132,943 20789
TOTAL ALL BUDGET FUND GROUPS			\$	<del>1,581,403,588</del>	\$	<del>1,577,868,556</del> 20790
				<u>1,594,393,267</u>		<u>1,617,336,671</u>
TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL						20791
SENTENCING REFORMS						20792
For the purposes of implementing criminal sentencing reforms,						20793
and notwithstanding any other provision of law to the contrary,						20794
the Director of Budget and Management, at the request of the						20795
Director of Rehabilitation and Correction, may transfer up to						20796
\$14,000,000 in appropriations, in each of fiscal years 2014 and						20797
2015, from appropriation item 501321, Institutional Operations, to						20798
any combination of appropriation items 501405, Halfway House;						20799
501407, Community Residential Programs; 501408, Community						20800
Misdemeanor Programs; and 501501, Community Residential Programs -						20801
CBCF.						20802
LEASE RENTAL PAYMENTS						20803
The foregoing appropriation item 501406, Lease Rental						20804
Payments, shall be used to meet all payments at the times they are						20805
required to be made during the period from July 1, 2013, through						20806
June 30, 2015, by the Department of Rehabilitation and Correction						20807
under the primary leases and agreements for those buildings made						20808
under Chapters 152. and 154. of the Revised Code. These						20809

appropriations are the source of funds pledged for bond service 20810  
charges on related obligations issued under Chapters 152. and 154. 20811  
of the Revised Code. 20812

OSU MEDICAL CHARGES 20813

Notwithstanding section 341.192 of the Revised Code, at the 20814  
request of the Department of Rehabilitation and Correction, The 20815  
Ohio State University Medical Center, including the Arthur G. 20816  
James Cancer Hospital and Richard J. Solove Research Institute and 20817  
the Richard M. Ross Heart Hospital, shall provide necessary care 20818  
to persons who are confined in state adult correctional 20819  
facilities. The provision of necessary care shall be billed to the 20820  
Department at a rate not to exceed the authorized reimbursement 20821  
rate for the same service established by the Department of 20822  
Medicaid under the Medicaid Program. 20823

CORRECTIVE CASH TRANSFER 20824

At the request of the Director of Rehabilitation and 20825  
Correction, the Director of Budget and Management may transfer an 20826  
amount not to exceed \$2,391 in cash that was mistakenly deposited 20827  
in the Federal Grants Fund (Fund 3230) to the General Revenue 20828  
Fund. 20829

**Sec. 395.10. TAX DEPARTMENT OF TAXATION** 20830

General Revenue Fund 20831

GRF 110321	Operating Expenses	\$	72,568,330	\$	67,968,332	20832
GRF 110404	Tobacco Settlement	\$	178,200	\$	178,200	20833
	Enforcement					
GRF 110901	Property Tax	\$	<del>666,640,000</del>	\$	<del>678,255,600</del>	20834
	Allocation - Taxation		<u>658,640,000</u>		<u>673,255,600</u>	
TOTAL GRF	General Revenue Fund	\$	<del>739,386,530</del>	\$	<del>746,402,132</del>	20835
			<u>731,386,530</u>		<u>741,402,132</u>	

General Services Fund Group 20836

2280	110628	Revenue Enhancement	\$	15,500,000	\$	<del>17,500,000</del>	20837
						<u>17,100,000</u>	
4330	110602	Tape File Account	\$	175,000	\$	175,000	20838
5BP0	110639	Wireless 9-1-1 Administration	\$	290,000	\$	290,000	20839
5CZ0	110631	Vendor's License Application	\$	250,000	\$	250,000	20840
5MN0	110638	STARS Development and Implementation	\$	5,000,000	\$	3,000,000	20841
5N50	110605	Municipal Income Tax Administration	\$	150,000	\$	150,000	20842
5N60	110618	Kilowatt Hour Tax Administration	\$	100,000	\$	100,000	20843
5V80	110623	Property Tax Administration	\$	11,978,310	\$	<del>11,978,310</del>	20844
						<u>11,178,310</u>	
5W70	110627	Exempt Facility Administration	\$	49,500	\$	49,500	20845
TOTAL GSF General Services							20846
Fund Group			\$	33,492,810	\$	<del>33,492,810</del>	20847
						<u>32,292,810</u>	
State Special Revenue Fund Group							20848
4350	110607	Local Tax Administration	\$	20,000,000	\$	<del>20,700,000</del>	20849
						<u>20,300,000</u>	
4360	110608	Motor Vehicle Audit	\$	1,459,609	\$	1,459,609	20850
4370	110606	Income Tax Contribution	\$	38,800	\$	38,800	20851
4380	110609	School District Income Tax	\$	5,802,044	\$	<del>5,802,044</del>	20852
						<u>5,402,044</u>	
4C60	110616	International Registration Plan	\$	682,415	\$	682,415	20853
4R60	110610	Tire Tax Administration	\$	244,193	\$	244,193	20854
5V70	110622	Motor Fuel Tax	\$	5,035,374	\$	5,035,374	20855



		Administration					
6390	110614	Cigarette Tax	\$	1,750,000	\$	1,750,000	20856
		Enforcement					
6420	110613	Ohio Political Party	\$	500,000	\$	500,000	20857
		Distributions					
6880	110615	Local Excise Tax	\$	775,015	\$	775,015	20858
		Administration					
TOTAL SSR State Special Revenue							20859
Fund Group			\$	36,287,450	\$	<del>36,987,450</del>	20860
						<u>36,187,450</u>	
Agency Fund Group							20861
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	20862
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	20863
TOTAL AGY Agency Fund Group							20864
Holding Account Redistribution Fund Group							20865
R010	110611	Tax Distributions	\$	50,000	\$	50,000	20866
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000	20867
		Tax Receipts					
TOTAL 090 Holding Account							20868
Redistribution Fund Group			\$	100,000	\$	100,000	20869
TOTAL ALL BUDGET FUND GROUPS							20870
			\$	<del>2,377,066,790</del>	\$	<del>2,384,782,392</del>	
				<u>2,369,066,790</u>		<u>2,377,782,392</u>	
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK							20871
The foregoing appropriation item 110901, Property Tax							20872
Allocation - Taxation, is hereby appropriated to pay for the							20873
state's costs incurred due to the Homestead Exemption, the							20874
Manufactured Home Property Tax Rollback, and the Property Tax							20875
Rollback. The Tax Commissioner shall distribute these funds							20876
directly to the appropriate local taxing districts, except for							20877
school districts, notwithstanding the provisions in sections							20878
321.24 and 323.156 of the Revised Code, which provide for payment							20879
of the Homestead Exemption, the Manufactured Home Property Tax							20880

Rollback, and Property Tax Rollback by the Tax Commissioner to the 20881  
appropriate county treasurer and the subsequent redistribution of 20882  
these funds to the appropriate local taxing districts by the 20883  
county auditor. 20884

Upon receipt of these amounts, each local taxing district 20885  
shall distribute the amount among the proper funds as if it had 20886  
been paid as real property taxes. Payments for the costs of 20887  
administration shall continue to be paid to the county treasurer 20888  
and county auditor as provided for in sections 319.54, 321.26, and 20889  
323.156 of the Revised Code. 20890

Any sums, in addition to the amounts specifically 20891  
appropriated in appropriation item 110901, Property Tax Allocation 20892  
- Taxation, for the Homestead Exemption, the Manufactured Home 20893  
Property Tax Rollback, and the Property Tax Rollback payments, 20894  
which are determined to be necessary for these purposes, are 20895  
hereby appropriated. 20896

MUNICIPAL INCOME TAX 20897

The foregoing appropriation item 110995, Municipal Income 20898  
Tax, shall be used to make payments to municipal corporations 20899  
under section 5745.05 of the Revised Code. If it is determined 20900  
that additional appropriations are necessary to make such 20901  
payments, such amounts are hereby appropriated. 20902

TAX REFUNDS 20903

The foregoing appropriation item 110635, Tax Refunds, shall 20904  
be used to pay refunds under section 5703.052 of the Revised Code. 20905  
If it is determined that additional appropriations are necessary 20906  
for this purpose, such amounts are hereby appropriated. 20907

INTERNATIONAL REGISTRATION PLAN AUDIT 20908

The foregoing appropriation item 110616, International 20909  
Registration Plan, shall be used under section 5703.12 of the 20910

Revised Code for audits of persons with vehicles registered under the International Registration Plan.	20911 20912
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	20913
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	20914 20915 20916 20917 20918 20919 20920
TOBACCO SETTLEMENT ENFORCEMENT	20921
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.	20922 20923 20924 20925
STARS DEVELOPMENT AND IMPLEMENTATION FUND	20926
The foregoing appropriation item 110638, STARS Development and Implementation Fund, shall be used to pay costs incurred in the development and implementation of the department's State Tax Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Tax Reform System Implementation Fund, Local Tax Administration Fund, School District Income Tax Fund, Discovery Project Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$8,000,000 in the biennium.	20927 20928 20929 20930 20931 20932 20933 20934 20935 20936 20937 20938
<b>Sec. 403.10.</b> DVS DEPARTMENT OF VETERANS SERVICES	20939
General Revenue Fund	20940

GRF	900321	Veterans' Homes	\$	27,369,946	\$	<del>27,369,946</del>	20941
						<u>26,992,608</u>	
GRF	900402	Hall of Fame	\$	107,075	\$	107,075	20942
GRF	900408	Department of Veterans Services	\$	2,001,823	\$	<del>2,001,823</del>	20943
						<u>2,379,161</u>	
GRF	900901	Persian Gulf, Afghanistan, and Iraq Compensation Debt Service	\$	7,542,600	\$	9,914,800	20944
TOTAL GRF	General Revenue Fund		\$	37,021,444	\$	39,393,644	20945
	General Services Fund Group						20946
4840	900603	Veterans' Homes Services	\$	1,596,894	\$	1,596,894	20947
TOTAL GSF	General Services Fund Group		\$	1,596,894	\$	1,596,894	20948
	Federal Special Revenue Fund Group						20949
3680	900614	Veterans Training	\$	684,017	\$	697,682	20950
3740	900606	Troops to Teachers	\$	111,822	\$	111,879	20951
3BX0	900609	Medicare Services	\$	2,250,000	\$	2,250,000	20952
3L20	900601	Veterans' Homes Operations - Federal	\$	24,887,790	\$	25,634,423	20953
TOTAL FED	Federal Special Revenue Fund Group		\$	27,933,629	\$	28,693,984	20954 20955
	State Special Revenue Fund Group						20956
4E20	900602	Veterans' Homes Operating	\$	10,614,652	\$	10,837,435	20957
6040	900604	Veterans' Homes Improvement	\$	403,663	\$	459,359	20958
TOTAL SSR	State Special Revenue Fund Group		\$	11,018,315	\$	11,296,794	20959 20960
	Persian Gulf, Afghanistan, and Iraq Compensation Fund Group						20961
7041	900615	Veteran Bonus Program	\$	738,703	\$	629,709	20962

	- Administration				
7041 900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$ 14,500,000	\$ 9,400,000		20963
TOTAL 041	Persian Gulf, Afghanistan, and Iraq Compensation Fund Group	\$ 15,238,703	\$ 10,029,709		20964 20965 20966
TOTAL ALL BUDGET FUND GROUPS		\$ 92,808,985	\$ 91,011,025		20967

PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL 20968  
OBLIGATION DEBT SERVICE 20969

The foregoing appropriation item 900901, Persian Gulf, 20970  
Afghanistan and Iraq Compensation Debt Service, shall be used to 20971  
pay all debt service and related financing costs during the period 20972  
from July 1, 2013, through June 30, 2015, on obligations issued 20973  
for Persian Gulf, Afghanistan and Iraq Conflicts Compensation 20974  
purposes under sections 151.01 and 151.12 of the Revised Code. 20975

**Sec. 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 20976**

There is hereby established in the Highway Operating Fund 20977  
(Fund 7002), used by the Department of Transportation, a Diesel 20978  
Emissions Reduction Grant Program. The Director of Environmental 20979  
Protection shall administer the program and shall solicit, 20980  
evaluate, score, and select projects submitted by public and 20981  
private entities that are eligible for the federal Congestion 20982  
Mitigation and Air Quality (CMAQ) Program. The Director of 20983  
Transportation shall process Federal Highway 20984  
Administration-approved projects as recommended by the Director of 20985  
Environmental Protection. 20986

In addition to the allowable expenditures set forth in 20987  
section 122.861 of the Revised Code, Diesel Emissions Reduction 20988  
Grant Program funds also may be used to fund projects involving 20989  
the purchase or use of hybrid and alternative fuel vehicles that 20990

are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program. 20991  
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Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in the Highway Operating Fund (Fund 7002) designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. 20993  
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Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed through transfers of cash from moneys in the Highway Operating Fund (Fund 7002) designated for the Department of Transportation's Diesel Emissions Reduction Grant Program to the Diesel Emissions Reduction Fund (Fund 3FH0), used by the Environmental Protection Agency, or at the direction of the local public agency sponsor and upon approval of the Department of Transportation, through direct payments to the vendor in the prorated share of federal/state participation. Total expenditures between both the Environmental Protection Agency and the Department of Transportation shall not exceed the amounts appropriated in this act for appropriation item 715693, Diesel Emissions Reduction Grants, \$10,000,000 in FY 2014 and \$2,500,000 in FY 2015. 20998  
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On or before June 30, 2014, the Director of Environmental Protection may certify to the Director of Budget and Management the amount of any unencumbered balance of the foregoing appropriation item 715693, Diesel Emissions Reduction Grants, for fiscal year 2014 to be used for the same purpose in fiscal year 2015. Once the certification permitted under this section has been submitted and approved by the Director of Budget and Management, the amount approved ~~is hereby~~ may be appropriated for fiscal year 2015. 21012  
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Any cash transfers or allocations under this section represent CMAQ program moneys within the Department of 21021  
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Transportation for use by the Diesel Emissions Reduction Grant 21023  
Program by the Environmental Protection Agency. These allocations 21024  
shall not reduce the amount of such moneys designated for 21025  
metropolitan planning organizations. 21026

The Director of Environmental Protection, in consultation 21027  
with the ~~directors of Development Services and~~ Director of 21028  
Transportation, shall develop guidance for the distribution of 21029  
funds and for the administration of the Diesel Emissions Reduction 21030  
Grant Program. The guidance shall include a method of 21031  
prioritization for projects, acceptable technologies, and 21032  
procedures for awarding grants. 21033

**Sec. 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM** 21034

The Department of Mental Health and Addiction Services, in 21035  
consultation with the Department of Medicaid, shall administer the 21036  
Recovery Requires a Community Program to identify individuals 21037  
residing in nursing facilities who can be successfully moved into 21038  
a community setting with the aid of community non-Medicaid 21039  
services. 21040

The Director of Mental Health and Addiction Services and the 21041  
Medicaid Director shall agree upon an amount representing the 21042  
savings realized from decreased nursing facility utilization to be 21043  
transferred within the biennium from the Department of Medicaid to 21044  
the Department of Mental Health and Addiction Services to support 21045  
non-Medicaid program costs for individuals moving into community 21046  
settings. 21047

~~Of the foregoing appropriation item 651525, Medicaid/Health 21048  
Care Services, the Medicaid Director shall transfer the amount 21049  
agreed upon representing the savings from the General Revenue Fund 21050  
to the Sale of Goods and Services Fund (Fund 1490). The transfer 21051  
shall be made using an intrastate transfer voucher. The 21052  
transferred cash is hereby appropriated to appropriation item 21053~~

~~335609, Community Operating/Planning.~~ 21054

The Director of Mental Health and Addiction Services and the 21055  
Medicaid Director shall certify the agreed upon amount to the 21056  
Director of Budget and Management. Upon receipt of the 21057  
certification, the Director of Budget and Management may increase 21058  
appropriation item 335504, Community Innovations, up to the amount 21059  
of the certification and decrease appropriation item 651525, 21060  
Medicaid/Health Care Services, by an equal amount. 21061

**Section 610.21.** That existing Sections 207.10, 209.30, 21062  
211.10, 221.10, 241.10, 257.10, 259.10, 263.10, 263.230, 263.240, 21063  
263.250, 263.270, 263.325, 275.10, 282.10, 282.30, 285.10, 285.20, 21064  
301.10, 327.10, 333.10, 333.80, 340.10, 359.10, 363.10, 365.10, 21065  
395.10, 403.10, 512.80, and 751.10 of Am. Sub. H.B. 59 of the 21066  
130th General Assembly are hereby repealed. 21067

**Section 690.10.** That Section 747.40 of Am. Sub. H.B. 59 of 21068  
the 130th General Assembly is hereby repealed. 21069

**Section 747.10.** LICENSING PERIOD FOR TERMINAL DISTRIBUTORS OF 21070  
DANGEROUS DRUGS 21071

In the case of a terminal distributor of dangerous drugs 21072  
holding a license issued or renewed pursuant to section 4729.54 of 21073  
the Revised Code that is valid on the effective date of this 21074  
section, the license remains in effect until April 1, 2015, unless 21075  
earlier revoked or suspended. The license holder is subject to the 21076  
renewal schedule established by division (I) of section 4729.54 of 21077  
the Revised Code, as amended by this act. 21078

**Section 751.20.** WORKFORCE INTEGRATION TASK FORCE 21079

(A) A workforce integration task force for individuals who 21080  
are deaf or blind is hereby established within the Opportunities 21081



for Ohioans with Disabilities Agency. The task force shall be 21082  
co-chaired by the Executive Director of the Opportunities for 21083  
Ohioans with Disabilities Agency and the Director of the 21084  
Department of Job and Family Services. The co-chairs shall appoint 21085  
the members of the task force. 21086

(B) The task force shall collect data on the following 21087  
regarding individuals who are deaf or blind in Ohio: 21088

(1) The average income levels for those individuals who are 21089  
employed compared to those who are not employed; 21090

(2) The number of those individuals; 21091

(3) Where those individuals are geographically located; 21092

(4) The number of those individuals who are employed and in 21093  
what job categories they are employed; 21094

(5) Whether barriers to employment exist for those 21095  
individuals. 21096

(C) The task force shall use the data collected and any other 21097  
information necessary to make recommendations regarding how those 21098  
individuals may be more fully integrated into the workforce to 21099  
increase employability and income parity. The task force shall 21100  
issue a report of its findings and recommendations to the Governor 21101  
not later than January 1, 2015. Upon issuance of its report, the 21102  
task force ceases to exist. 21103

**Section 751.40.** SUPPORT FOR START TALKING! INITIATIVE 21104

The Director of Mental Health and Addiction Services shall 21105  
designate an employee who is certified as a prevention specialist 21106  
by the Chemical Dependency Professionals Board to serve as 21107  
coordinator for the Start Talking! Initiative and to assist with 21108  
statewide efforts to prevent substance abuse among children. 21109

**Section 757.20.** (A) As used in this section: 21110

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code. 21111  
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(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code. 21114  
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(3) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 21117  
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(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2015, provided that the taxpayer is unable to claim the credit under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. 21119  
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The credit shall equal the lesser of twenty-five per cent of the dollar amount of the qualified rehabilitation expenditures indicated on the certificate or five million dollars. The credit shall be claimed for the calendar year specified in the certificate and after the credits authorized in divisions (A)(1) to (4) of section 5751.98 of the Revised Code, but before the credits authorized in divisions (A)(5) to (7) of that section. 21126  
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If the credit allowed for any calendar year exceeds the tax otherwise due under section 5751.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by this section, the excess shall be refunded to the taxpayer. However, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due for that year shall not exceed three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed for that year for not more than 21133  
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five calendar years after the calendar year specified in the 21142  
certificate, and shall deduct any amount claimed in any such year 21143  
from the amount claimed in an ensuing year. 21144

A person that is an excluded person may file a return under 21145  
section 5751.051 of the Revised Code for the purpose of claiming 21146  
the credit authorized in this section. 21147

If the certificate owner is a pass-through entity, the credit 21148  
may not be allocated among the entity's owners in proportions or 21149  
amounts as the owners mutually agree unless either the owners are 21150  
part of the same combined or consolidated elected taxpayer as the 21151  
pass-through entity or the director of development services issued 21152  
the certificate in the name of the pass-through entity's owners in 21153  
the agreed-upon proportions or amounts. If the credit is allocated 21154  
among those owners, an owner may claim the credit authorized in 21155  
this section only if that owner is a corporation or an association 21156  
taxed as a corporation for federal income tax purposes and is not 21157  
a corporation that has made an election under Subchapter S of 21158  
Chapter 1 of Subtitle A of the Internal Revenue Code. 21159

The credit authorized in this section may be claimed only on 21160  
the basis of a rehabilitation tax credit certificate obtained by a 21161  
certificate holder after December 31, 2013, but before June 30, 21162  
2015. 21163

A taxpayer claiming a credit under this section shall retain 21164  
the rehabilitation tax credit certificate for four years following 21165  
the end of the latest calendar year in which the credit was 21166  
applied, and shall make the certificate available for inspection 21167  
by the tax commissioner upon request. 21168

**Section 806.10.** The items of law contained in this act, and 21169  
their applications, are severable. If any item of law contained in 21170  
this act, or if any application of any item of law contained in 21171  
this act, is held invalid, the invalidity does not affect other 21172

items of law contained in this and their applications that can be 21173  
given effect without the invalid item of law or application. 21174

**Section 812.20.** The amendment, enactment, or repeal by this 21175  
act of the sections listed below is exempt from the referendum 21176  
under Ohio Constitution, Article II, Section 1d and section 1.471 21177  
of the Revised Code and therefore takes effect immediately when 21178  
this act becomes law or, if a later effective date is specified 21179  
below, on that date. 21180

Sections 503.20, 512.10, 512.20, 512.30, 512.40, 610.20, 21181  
610.21, 751.40, and 812.20 of this act. 21182